

February 27, 2007



TRANSCRIPT
February 27, 2007

MONTGOMERY COUNTY COUNCIL

Councilmember Marilyn J. Praisner, President	Councilmember Knapp, Vice-President
Councilmember Nancy Floreen	Councilmember Duchy Trachtenberg
Councilmember Phil Andrews	Councilmember George Leventhal
Councilmember Marc Elrich	Councilmember Valerie Ervin
Councilmember Roger Berliner	

February 27, 2007



February 27, 2007

Council President Praisner,
Good morning, ladies and gentlemen. Welcome to the meeting of the County Council.
Will you please rise for the invocation from Venkataramany from Balakrishnan --
Balakrishnan from Sri Siva Vishnu Temple. Excuse me. I apologize.

Venkataramany Balakrishnan,
Good morning.

Council President Praisner,
Good morning.

Venkataramany Balakrishnan,
With your permission, I shall recite or read two brief invocations in Sanskrit, the ancient Indian language in which Hindu scriptures are written. These prayers have been chanted in Hindu temples all over the world for the last several thousand years -- maybe three or four thousand years of recorded history. They are nondenominational and are very suitable for the Montgomery County which is a many-splendored County with many faiths, and the invocation is in Sanskrit. I shall follow it with a brief English translation. (Singing/chanting in Sanskrit) Translation: Let us all be safe together. Together let us enjoy the good things of life. Together let us do noble and valorous deeds. Together let us function effectively and vigorously, without mutual jealousy or hatred. Let there be peace, peace, and peace. We pray for the welfare and success of all who govern wisely and well, justly protecting all people. Let all good people flourish, and let farms and animals also flourish. Let everyone everywhere live happily. Let there be timely rains. Let the land produce plenty of grains. Let this County be free from all disturbances. Let good people move about fearlessly. Let families live happily with children and grandchildren. Let the poor become rich. May all live happily for 100 years and more. Amen.

All Present,
Amen.

Venkataramany Balakrishnan,
I am particularly pleased to give this invocation for this Montgomery County where great leaders like you are making this County the premier County in this country.

Council President Praisner,
Thank you.

Venkataramany Balakrishnan,
Let it continue to flourish like that. Thank you very much.

Council President Praisner,
Thank you very much. General business. Linda Lauer.



February 27, 2007

Linda Lauer,
Good morning.

Council President Praisner,
Good morning.

Linda Lauer,
Consent. We have just an additional announcement relating to the budget public hearings coming up. On April 10th, the Council will announce a May hearing date for the capital budget and CIP for the Montgomery County Schools Budget. Consent calendar. One change in A that relates to the Housing Initiative Fund. It's just the action will be scheduled at a later date rather than automatically being next Tuesday. The petitions -- we did receive one petition supporting full funding for the Libraries Budget for '08. That's it. Thank you.

Councilmember Knapp,
Budget season has begun.

Council President Praisner,
Yes, budget season has begun. Acknowledgment of Receipt of Petitions - as Linda Lauer indicated, we did receive some petitions from individuals voicing support for the library budget. Minutes, Madam Clerk. We have the minutes of February 1st, 5th, and 6 for approval today. Is there a motion? Councilmember Andrews. Is there a second? Councilmember Trachtenberg, All in favor of approving the minutes for February 1st, 5th, and 6th, indicate by raising your hand. Councilmembers Ervin, Floreen, Trachtenberg, Praisner, Knapp, Andrews, and Leventhal. Thank you. Consent calendar, is there a motion?

Councilmember Knapp,
So moved.

Council President Praisner,
Vice President Knapp moves approval, second from Councilmember Leventhal. I wanted to first make note for my colleagues that in conversation with the Chair of the Public Safety Committee, item I is being pulled. That's the Supplemental appropriation to the County Government's Budget related to a SAFER Grant -- a Federal Grant. The Public Safety Committee Chair believes that there's additional information that needs to be gathered, and we will act on that item at a later time. I see lights on other issues. Let me start with Councilmember Floreen.

Councilmember Floreen,



February 27, 2007

1 Thank you, Madam President. I wanted to comment on item A, and I'm a little
2 disappointed it's been -- our action on this has been delayed. I'm not surprised, I
3 suppose; but item A is a product of the PHED Committee's conversation on the Housing
4 Initiative Fund. This is in honor of Mr. Nelson's appointment as director. We -- over the
5 years -- when I first came on the Council, there was no designated fund for the Housing
6 Initiative Fund. There was an objective, but there was no long-term commitment in
7 terms of the dollars; and bit by bit, we have made a long-term commitment to that over
8 the years, and those are the attachments to item A in the packet it in front of us. And
9 we've moved forward towards increasing our commitment in dollars that can't be
10 dislodged. This collective agreement from the PHED Committee again reiterates that
11 commitment, and also basically says the bookkeeping on this should be more
12 straightforward in the future and that the County's commitment to affordable housing
13 shall only be advanced by the additional -- addition of new revenues in addition to the
14 existing dollars that are to be transferred under current law. So I am hopeful that the full
15 Council will be able to take action on this at some point. If this were to go into effect for
16 '07, I think the calculation was that this resolution would have added basically \$12
17 million extra to the Housing Initiative Fund -- is that about the number? And so I'm
18 hopeful that we will be able to enact this. I know it's going to be a challenging budget
19 year; but I haven't had a budget year that wasn't challenging, and I am optimistic that
20 with the commitment of the County Executive that's been repeated publicly, repeatedly,
21 that we will be able to proceed on this one. So I do -- I'm very glad that the PHED
22 Committee was able to come to really unanimous agreement in very little time, and I
23 think it bodes well for affordable housing.

24
25 Council President Praisner,

26 Let me comment as Council President because I chair the PHED Committee that
27 introduced in support of the resolution; and I've indicated as Council President that it's
28 introduced today, but not scheduled for action at this point. We are two weeks,
29 basically, away from the introduction of the Operating Budget; and I just thought that the
30 implications of this action needed to be considered not in isolation of all of those issues
31 and so that we would have an opportunity for folks to be able to comment -- we've
32 received no comments on this item -- as well as we have not received any formal written
33 comment from the County Executive. Since it has such a significant financial potential --
34 financial implication -- I wanted to make sure that folks looked at this in the broadest
35 context. Let me also say that there is a resolution on the introduction today that I also
36 want to call my colleagues' attention to, and that's item B which is the school -- the
37 college's supplemental appropriation for the Tacoma Park Campus Expansion. While it
38 is true, as the packet indicates, that funding for the service center -- for the Cultural Arts
39 Center is associated with funding not from general revenue -- from County revenue, this
40 proposal and its transfer of funds from other items, like the college's Major Facilities
41 Fund, means that the funding for this item will not exclusively come from non-County
42 funds. And so to the extent there are other college projects -- other college facilities that
43 are priorities -- the \$1.3 million from the college's Major Facilities Reserve Fund does
44 have an impact and implication on some of those other facility decisions. And I want to



February 27, 2007

1 make sure that, obviously as we discuss this further, that folks understand the
2 implications -- not just for the Cultural Center, but also for other college projects. The
3 implications, as our staff has highlighted, I think, in the packet, calls that to folks'
4 attention; and I know the Education Committee will be looking at it. In addition, I know
5 that the Chair of the Public Safety Committee will be making comments about another
6 special appropriation with some grant funds associated with it; but I wanted to make
7 sure as we get into the budget session -- season -- as the Council Vice President
8 commented -- with the petitions that we received today for full funding of the library
9 budget -- which we haven't seen as yet, so we don't know what the implications are --
10 this is not going to be an easy fiscal year, budget year, but neither is the next one; and
11 as we go through this process, looking at supplementals carries even more of a caution,
12 I believe, so that we understand the implications and interrelationship. Council Vice
13 President Knapp.

14
15 Councilmember Knapp
16 (Inaudible)

17
18 Council President Praisner

19 All right. Chair of the Public Safety Committee, Phil Andrews.

20 Councilmember Andrews,

21 Thanks, Madam President. First let me compliment the Office of Legislative Oversight
22 for a very thorough report on the Montgomery County Fire and Rescue Service. It's the
23 first phase of their base budget review of the service, which is a very important new
24 program of the office. The Public Safety Committee will be reviewing this report in detail
25 on March 5th at a worksession. I believe there may well be a full Council presentation
26 around that time or just after that. It's a very important report, very well researched, a lot
27 of critical information in there; and we'll go into a lot of detail about it in the next couple
28 of weeks. I wanted to comment on item I of the consent calendar, which has been
29 pulled for the week, and indicate that what we need in this resolution for this action is a
30 more accurate accounting of the full costs associated with this proposal to add four-
31 person staffing to some of our units. The resolution does not include a number of
32 significant costs that are very substantial that the Council needs to be fully aware of
33 when it makes a decision on this. The Public Safety Committee is recommending
34 approval; but the resolution really is incomplete at this point and understates, by a large
35 amount, the number of dollars that would be committed over five years if the Council
36 approves this grant. The grant initially is for an appropriation of -- in County dollars --
37 \$147,000 County dollars; and, from the grant, \$95,000. Over the five years, the grant
38 would total \$1.2 million. The County costs would be several times that, and it is
39 important to have all those figures before us so that the Council sees the full impact of
40 whatever vote it takes when we come back to this, I presume, next week. So we're
41 asking the Executive Branch for a full accounting of all the costs associated with the
42 program: the additional training costs; the additional relief factor costs; the additional
43 costs for the positions themselves that aren't covered by the grant or by the amount
44 that's reflected in terms of the minimum match that's required, because the minimum



February 27, 2007

1 match by the County doesn't pay for the the full cost. The position understates that by a
2 fair amount. So we need that information, which is why we are delaying action on this
3 for a week. Thank you.

4
5 Council President Praisner,
6 Thank you. Vice-President Knapp.

7
8
9
10 Councilmember Knapp,
11 Thank you, Madam President. I appreciate the comments of the Chair of the Public
12 Safety Committee. The only question I would ask I guess is for staff, Is there any time
13 requirement that we have to respond before -- is this a federal matching grant, that the
14 federal funds expire if we don't do something in some time period?

15
16 Minna Davidson
17 I think (INAUDIBLE) can speak to that better than I can. I know that the timing is
18 becoming critical. I'm not sure that a week's delay will pose a problem.

19
20 Councilmember Knapp,
21 Okay.

22
23 Chief Carr
24 A week is okay.

25
26 Councilmember Andrews,
27 A week is okay. So if we bring this back next week, we're in fine shape. Okay. I also
28 want to speak to item A as it relates to the Montgomery Housing Initiative Fund. I just
29 want to thank the PHED Committee for taking up the housing issues that they did last
30 week -- or two weeks ago. There is probably, as many of us have talked about, probably
31 is one of the most critical issues facing the residents of our community; and I appreciate
32 the remarks of the Council President as to kind of look at this in the context of the
33 broader budget. And even in that context, I think this will rise to the top of virtually any
34 priority list; and so I think it's important for us to make sure that we move with due haste
35 in the appropriate time frame to try and address that, because I think it is a critically-
36 important issue as I think most of us have all talked about. And so I appreciate the
37 efforts of the Committee to look at the broader housing issues as well as that one in
38 particular. As it relates to item B, the Introduction of the Supplemental Appropriation to
39 the college, certainly we will look at this as it relates to the college's broader priorities
40 and capital projects. As I think most everyone is aware, we are facing a dramatic issue
41 as it relates to Montgomery College and their facilities. Right now Montgomery College
42 has about 1. 2 million square feet of space; and looking at the college's projections and
43 state's projections for enrollment in the next six years, by -- within the next six years
44 they'll be facing a 500,000 square foot shortfall. And so to address that shortfall, so far



February 27, 2007

1 we've received about \$1.25 million from the state out of a \$40 million request -- what the
2 state obligations are. And so we are looking at a very dire situation as it relates to the
3 college's facilities. And so any resources that are going to be spent are going to have to
4 make sure that they go to those most compelling priorities as it relates to the college's
5 facilities activities. And so I appreciate the President's comments, and we will certainly
6 look at those very closely. As it relates to item D, I just want to thank the OLO for their
7 efforts and the base budget review of the Fire and Rescue Service budget. We have
8 made, through the efforts of the Council over the last four years, significant progress in
9 turning Fire and Rescue around and funding some critical needs. It also creates a
10 situation where we need to make sure that all of those resources are going to where we
11 think those resources are going; and one of the important things, I think, as we have
12 any budget discussion -- and we'll have a similar discussion following this as it relates to
13 MCPS -- is to recognize that budgeting is not "Gotcha." Budgeting is how we make sure
14 that the resources that our taxpayers provide us are going to the places we think they're
15 going; and if they're not, to make sure what they're doing and to make sure that it
16 guides programming and guides more effective use of those programs. And so I hope
17 that what we will see from the MCFRS base budget review is a model that OLO can
18 begin to replicate for other County departments and agencies so that we can take a
19 more in-depth analysis of all of our budgets, as opposed to looking kind of more on the
20 margin as we, as a Council, have tended to do in the past. And I -- just from my
21 preliminary review of this report, it looks very significant and sets up a good
22 conversation for the upcoming budget season. So I thank you for the efforts, but would
23 also urge everyone to really look at all of the pieces that are contained within it and help
24 us make better decisions -- not just to look at it as a game of "Gotcha"; because the
25 challenge with any budget is if, as more information becomes available and
26 transparency is better and there's greater accountability, the challenge then becomes
27 one of, How do we have a real dialogue? And if people every time they come over end
28 up having to have their head handed to them because we have a more contentious
29 discussion, it doesn't facilitate the dialogue. So I hope that we really take this
30 information and have productive dialogue and really take the analysis for what it is to
31 make better decisions, because I think that's what this material will provide to us. And
32 so I appreciate the ability to comment. You know, the consent calendar is usually
33 something we don't comment a lot about, but there are many things on it today. So I
34 thank you for the ability.

35
36 Council President Praisner,
37 Thank you. Councilmember Trachtenberg.

38
39 Councilmember Trachtenberg,
40 I'd like to go back and just offer some brief remarks on item number I, specifically
41 around the Federal Grant that our decision is being delayed on for a week. Yesterday
42 during the MFP worksession -- committee worksession -- I had a good conversation
43 with my colleagues, Councilmember Berliner and Council President Praisner; and we
44 actually asked staff to do two things for us in particular. One was to make sure that



February 27, 2007

1 councilmembers received a notice of application for grants, as soon as that would be
2 possible. That once the applications were made, we would have access to them, if we
3 so desired, through individual offices. And clearly this is a conversation for the future,
4 not just clearly for MFP Committee members, but for Council in the future, What kind of
5 summary, perhaps, would be made available to us around the implications of
6 responsibility -- specifically in the area of personnel and equipment investment -- and
7 perhaps. Phil, that would be a conversation to start after we've heard back from across
8 the street on this particular grant. But it is something on our radar screen; and I think
9 we'll have to look at this carefully and try to come up with some way to provide more
10 transparency, because I think that's part of what we need to have here.

11
12
13
14 Council President Praisner,
15 Councilmember Andrews.

16
17 Councilmember Andrews,
18 Right. I agree. I think we want to have the Council not be in a position where a grant has
19 been applied for that has implications for funding that we might not have supported. So
20 there may be a case where that happens, and we want to avoid that. We don't want to
21 be in a position where we don't want to fund a grant that's been applied for by the
22 Executive Branch. So when there's a significant grant that the Executive Branch is
23 considering, I think it's very important that the Council have a chance to look at it first
24 and give some feedback.

25
26 Council President Praisner,
27 I want to make a further comment. We will take action to release and receive a briefing
28 on the base budget presentation by the Office of Legislative Oversight related to the
29 school system review separate from the consent calendar; but we are, in our action of
30 the consent calendar, approving the receipt and release of the Office of Legislative
31 Oversight report on the Base Budget Review of the Fire and Rescue Service. And I
32 wanted to add my personal comments and appreciation to the Office for that report
33 again. The Council has been trying to develop -- I want to thank the Vice President for
34 his support and leadership in this initiative as well -- an effort to work on base budget
35 projects that will allow us a foundation of information to go forward with a more
36 programmatic and comprehensive review of our budgets by departments or agencies.
37 And the Office of Legislative Oversight has stepped forward to provide a lot of that
38 leadership in this work. So I want to thank Karen Orlansky and Aron Trombka
39 especially, but also the rest of the staff in the Office of Legislative Oversight for their
40 willingness to participate in these exercises, but also for the outstanding work that they
41 provide. I think it's very interesting that what this highlights to some extent in the reports,
42 and I agree very much with the Vice President, that this is not an effort at "Gotcha." This
43 is an effort to try to develop the kind of information which will improve the deliberations
44 of the Council, assist the agencies and departments in presenting and reviewing their



February 27, 2007

1 budgets internally, and also provide in the long run the kind of information and input
2 from the folks who actually write the checks -- and that's our taxpayers -- to provide
3 them with better information. Every budget is about making decisions and choices; and
4 why not have better information to improve the choice process? And so for all of us I
5 think it's important that this effort continue, and I want to thank the Office again for that.
6 The reason why we're not doing an overview presentation on the Fire and Rescue
7 Service issue is that there is -- this is a -- really a very fundamental building block
8 process, and we will probably, as a Council, receive a more formal presentation in the
9 next phase of the process. But I would encourage those who are interested in this issue
10 to join the Public Safety Committee when it's -- they have a worksession on it, which is
11 March 5th. I want to also correct something that I said earlier that was in error as I
12 reviewed the college document. The Major Facilities Reserve Fund, which is \$1.3
13 million of the funds to help cover the additional costs for the Cultural Arts Center, comes
14 from student fees. It is the \$2.6 million which is being transferred from other projects in
15 the college budgets that are being funded by -- that are funds of County -- current
16 County revenue bonds and revenue or bonds -- current revenue or bonds. And in that
17 case the point is, if those dollars are not available for some of the other capacity
18 building issues that the college faces, the question is one of, "What priorities are the
19 most important for the college?" and that's why I raise them. All in favor of the consent
20 calendar? That is unanimous. Thank you very much. We move into Legislative Session,
21 Day 6. I believe there's no journal, and we have no new bills to be introduced; but we do
22 have a Bill for Final Reading, Expedited Bill 2-07, Labor Relations - Permanent Umpire.
23 And I'll call on the Chair of the Management of Fiscal Policy Committee to report out the
24 legislation. Councilmember Trachtenberg.

25
26 Councilmember Trachtenberg,
27 A little too many papers in front of me. I am asking for consideration by the body of Bill
28 2-07, Labor Relations - Permanent Umpire. This Bill was coolly discussed within the
29 MFP Committee. The recommendation was to insert some of the amendments that
30 were executive conforming. I know Council President Praisner questioned whether the
31 law should limit the term of the umpire or administrator; specifically, the number of times
32 that they could be reappointed. So the language in this final version has been altered to
33 reflect that concern; and I would ask for passage of the Bill in its current form. And,
34 Mike, If you've got any comments? No? Any questions from councilmembers?

35
36 Council President Praisner,
37 I don't see any lights or questions. So Madam Clerk, the roll call vote.

38
39 Council Clerk,
40 Ms. Ervin?

41
42 Councilmember Ervin,
43 Yes.



February 27, 2007

1 Council Clerk,
2 Mr. Elrich?
3
4 Councilmember Elrich,
5 Yes.
6
7 Council Clerk,
8 Ms. Floreen?
9
10 Councilmember Floreen,
11 Yes.
12
13 Council Clerk,
14 Ms. Trachtenberg?
15
16 Councilmember Trachtenberg,
17 Yes.
18
19 Council Clerk,
20 Mr. Leventhal?
21
22 Councilmember Leventhal,
23 Yes.
24
25 Council Clerk,
26 Mr. Andrews?
27
28 Councilmember Andrews,
29 Yes.
30
31 Council Clerk,
32 Mr. Berliner?
33
34
35 Councilmember Berliner,
36 Yes.
37
38 Council Clerk,
39 Mr. Knapp?
40
41 Councilmember Knapp,
42 Yes.
43
44 Council Clerk,



February 27, 2007

1 Ms. Praisner?

2
3 Council President Praisner,

4 Yes. That is unanimous in the adoption of that Expedited Bill. We will now move into
5 District Council Session. We have before us the resolution which the Council introduced
6 to improve our introduction that deals with the process for considering Zoning Text
7 Amendments. As our staff member, Mr. Zyontz, indicated when we considered this, it
8 modifies slightly the process. We have a core of advisers who help us with the
9 procedure and approach to be able to comment on the Zoning Text Amendment
10 introduction process. When we discussed this in committee, the Planning Board Chair
11 recommended two changes: 1) that we would limit the time of year when a ZTA could
12 be introduced -- some counties do use that process -- and, 2) that the Planning Board
13 be given an opportunity to comment personally -- the Planning Board itself rather than
14 staff members. The Committee did not agree with those changes. One, they were
15 concerned about the calendar timeframe period; but also that having the Planning
16 Board formally discuss in public a Zoning Text Amendment that hasn't even been
17 introduced, which means we don't know whether it will even be considered, didn't seem
18 to be an effective use of time. And also because they would get a bite at the apple and
19 have significant input if it were to be introduced. Finally, the staff that would be having to
20 prepare the packet and make recommendations to them for them to consider the item,
21 have that opportunity to make comments as part of the adviser team for that process.
22 So the PHED Committee recommendation is before us to approve the resolution. I see
23 several lights, so we'll start with Mr. Leventhal. Councilmember Leventhal.

24
25 Councilmember Leventhal,

26 Well, I thank the Chair of the PHED Committee for her work on this. I didn't have the
27 benefit of participating in the discussion in the PHED Committee; and, generally, I think
28 this procedure seems reasonable. I'm looking at the top of Circle 3, where it says that
29 text amendments submitted by the County Executive or the Planning Board must be
30 introduced by the Council President. Is that current practice?

31
32 Council President Praisner,

33 Yes. That's the formal -- on behalf of the County Executive introduction by the Council
34 President. Yeah. The way legislation comes over from the --

35
36 Councilmember Leventhal,

37 And the Planning Board as well?

38
39 Council President Praisner,

40 Yes. That's the same way we do it. It's on behalf of the Planning Board and on behalf of
41 the County Executive.

42
43 Councilmember Leventhal,

44 So that's not a change to what we currently do?



February 27, 2007

Council President Praisner,

No. And we don't have many of them, except when we do master plans, in which case they may send over a Zoning Text Amendment -- the Planning Board. That's the more frequent time when the Planning Board has zoning text amendments -- is related to master plans. But that's the normal practice, as it is with legislation.

Councilmember Leventhal,

Okay. On Circle 4.5, I'm not sure we need language that says that any individual organization may request that a councilmember sponsor a text amendment, but I suppose it's useful to have that in writing.

Council President Praisner,

I think there's been that before. It's historical; we've had that.

Yeah.

Council President Praisner,

It's just -- this is an update of what has existed in the past. As you see on Circles 5 through 9, that's the old format. What we're basically doing is updating of the old format, and that's included in the past, I believe. Jeff?

Jeff Zyontz,

In fact, this is the major change to the procedure. Before an individual could have come to Council staff, commanded time for review, had that analysis done and presented up. We thought it was a better procedure to have an individual go to a councilmember to see if there was an interest in sponsoring it before spending the staff time going forward.

Councilmember Leventhal,

Oh, that's a very helpful clarification. Good. Okay. Well, I thank the PHED Committee for its work on this.

Council President Praisner,

Okay. Councilmember Berliner.

Councilmember Berliner,

Let me commend the PHED Chair for this as well, and just a couple of observations. One, do I understand that one of the changes is that the People's Council will now be part of this process -- that's another modification we're making?

Jeff Zyontz,

That is correct. He now would be one of the advisers.

Councilmember Berliner,



February 27, 2007

1 I think that's an appropriate change, so I commend you for that.

2
3 Jeff Zyontz,

4 Although I have to tell you, I did like the word "umpire" before that I heard – but it was
5 taken, so we're "advisers."

6
7 Councilmember Berliner,

8 Turn to Circle 4 if you have that handy, and I was looking at the order of "D" and "E" at
9 the top of the page; and I just found that a little odd – that one would – it seemed to me
10 that "E" would go first, if you will; that is, that we would seek to get people's response
11 prior to introduction–

12
13 Council President Praisner,

14 Oh, good point. You're right. I think you're right; "E" should be "D", and "D" should be
15 "E." Good catch. Great. With that objection, we'll do that. Great.

16
17 Councilmember Berliner,

18 Could you just -- we sort of hit at a couple of the changes. Perhaps you could just
19 summarize briefly any other significant changes that are being made here that we
20 should be aware of, other than adding the People's Council and the process you just
21 described for individuals coming before us?

22
23
24 Jeff Zyontz,

25 The other significant change is the fact that, as Council staff, I now have the ability to
26 consult in any manner that I think appropriate to the situation. Every now and then you
27 get a ZTA that's a single word or a single clarification that hardly warrants a group of
28 people meeting together. This gives me some flexibility on how I seek that advice. It
29 does require me to consult with these parties and to give you the benefit of that
30 consultation before going forward; and then, if you go forward, I would commit that to
31 writing as to what it was. But that generic process is a little bit different than it was. The
32 individual coming to staff is the biggest change structurally in this. This also does
33 explicitly repeal our prior resolutions -- just for clarification -- that nobody takes up a
34 prior one and says, "How come you're not doing this part of that?" So I think those are
35 very helpful changes.

36
37 Councilmember Berliner,

38 Thank you.

39
40 Council President Praisner,

41 Okay. Vice President Knapp.

42
43 Councilmember Knapp,



February 27, 2007

1 Thank you, Madam President. I appreciate the Committee's efforts on this, and I think
2 any effort to clarify how we do Zoning Text Amendments is always a positive step. To
3 that end, one of the things I would propose is -- as I see our new Public Information
4 Officer sitting in the back of the room -- Mr. Greenberger, welcome -- that we look at a
5 way to potentially make this available on our web site. I don't know -- under some
6 heading of "Land Use" or something, so that it's clear to people what the process is, and
7 they could actually find it readily so they would understand. So that would be my
8 proposal; but I thank the Committee for the reference.

9
10 Council President Praisner,

11 Great idea. I think we do have some other language on land use, and we need to look
12 at that and how you format it; but I think that's a great idea. Anything that we can do to
13 help facilitate information and knowledge of procedures is a good idea. Okay. The
14 resolution is before us, all in favor? It is unanimous. Thank you all very much. We are
15 almost on time. Terrific. I would like -- even with the conversation in the consent
16 calendar, which I thought was very important too. We need a motion to release the
17 Office of Legislative Oversight Report 2007-5, Key Fiscal Indicators for Montgomery
18 County Public Schools. Motion? Councilmember Elrich. Second, Councilmember
19 Trachtenberg. All in favor? George, are you voting to release? Yeah. It's unanimous.
20 Thank you very much. I'm going to turn this over to Karen Orlansky for her work; and
21 you can introduce Elaine, and we can go through our brief overview. Before we start, I
22 want to acknowledge the presence in the audience of -- I saw before three; now, I see
23 two members of the County -- of the Board of Education -- three, there's Judy. And that
24 would be Council President Nancy Navarro, Vice President Shirley Brandman, and
25 board member -- I said councilmember, didn't I? Board President Nancy Navarro, Board
26 Vice President Shirley Brandman -- I'm demoting you all -- and Board Member Judy
27 Docca, as well as and significant members of the school system staff -- including Larry
28 Bowers -- my good old friend, Larry Bowers. So thank all you all for being here; I
29 appreciate it, and I appreciate your cooperation and support of working with the Office
30 of Legislative Oversight. Karen.

31
32 Karen Orlansky,

33 Good morning and thank you. I'm Karen Orlansky, Director of the Office of Legislative
34 Oversight; and I'm joined here at the table by Dr. Elaine Bonner-Tompkins. The other
35 OLO staff members who worked on this project are Rich Romer, over there at the
36 computer; Jennifer Renkema, over there at the lights; and Teri Busch, who's listening
37 from downstairs. I also want to echo the Council President's comments and thank
38 Montgomery County Public Schools for their high level of cooperation with us in
39 conducting this project -- in particular, Larry Bowers, Robin Confino, and Marshal Spatz
40 for their tremendous assistance. We do have about a 12-minute PowerPoint
41 presentation -- if we get ready to go here. The report before you today responds to the
42 Council's request to develop a dozen fiscal indicators of the MCPS Operating Budget. It
43 represents an integral component of the Council's plans to enhance the review and
44 oversight of the almost \$2 billion that MCPS receives, which represents about half of all



February 27, 2007

1 funds that the Council appropriates each year to County-funded agencies. The first
2 logical question to answer is, What's a fiscal indicator? Very simply, fiscal indicators are
3 quantitative measures of the sources and uses of money. They provide data on issues
4 such as change in revenue, resource allocation, and expenditure trends. The budget
5 and other documents that you already receive from the school system include lots of
6 fiscal indicators -- in fact, hundreds of them. The goal of this project, as recommended
7 by Councilmember Knapp, was to develop a manageable number of fiscal indicators
8 that would help the Council become more familiar with the base budget, provide better
9 context for assessing the school's annual budget requests, and to identify fiscal issues
10 and questions for discussion. In short, the document before you today is really the
11 beginning of a process to assist the Council to become what is sometimes called a
12 "critical friend" of the school system. Now, before moving to the fiscal indicators
13 themselves, it is also important to make it clear what fiscal indicators are "not." By itself,
14 a fiscal indicator does not explain what causes a dollar amount to increase or decrease.
15 It does not evaluate whether a change up or down is good or bad. Further, it does not,
16 by itself, explain the outcome or result of allocating more or less money. Let me
17 illustrate with a very easy example. Let's say you were to learn that the amount of
18 money spent on snow removal doubled in one year. This doubling of costs might well be
19 a sign of declining efficiency; on the other hand, it might just mean that it snowed a lot.
20 So a few final caveats: our indicators are based on school system data; our report
21 contains a combination of actual and budgeted dollar amounts -- I know that's a little
22 geeky, but the difference actually makes -- you have to care about that when you start
23 looking at changes over time -- and for all of those who are interested, the report
24 contains additional technical notes about our calculations and plenty of caveats -- I
25 could say "warnings" -- to readers about what specific data do and do not mean. I'm
26 now going to turn it over to Elaine to review our recommended fiscal indicators and to
27 briefly introduce something I'm very excited about -- two pilot measures for linking inputs
28 to educational outcomes. I encourage you to keep in mind as you listen that the primary
29 purpose of this project was to open the door for a more rigorous, fact-based inquiry into
30 the story behind the numbers. Elaine?

31 Elaine Bonner-Tompkins,

32 Thanks, Karen. My name is Elaine Bonner-Tompkins; and I'd like to begin by describing
33 trends in MCPS student enrollment that provide critical building blocks for the fiscal
34 indicators that we're recommending. As the chart on the screen above illustrates,
35 MCPS's enrollment has increased significantly over the last 20 years. Between 1985
36 and 2005, student enrollment increased by 50% -- from about 91,000 students to
37 139,000 students. During this time, the diversity of the MCPS student population
38 increased as well. Now students of color are a majority of the MCPS student body. Now
39 we'll move to the recommended 12 fiscal indicators that are organized into three broad
40 categories. Revenues and expenditures include indicators that describe the sources of
41 MCPS funding and major allocations. Major budget components and cost drivers
42 include indicators related to compensation and other major expenditures; and per-
43 student expenditures include different approaches for measuring average per-student
44



February 27, 2007

1 costs. Rather than going through each indicator in detail, we will share five key findings
2 that offer a flavor of the information that can be gleaned from the report in its entirety.
3 After that I will describe our pilot indicators for discussion. Our first graph shows how the
4 MCPS budget is funded. As you can see for fiscal year '07, county dollars (shown in
5 green) made up 74% of the MCPS Operating Budget; state dollars (shown in red),
6 represented 18%; and federal dollars (shown in blue) made up 4% of the MCPS
7 operating budget. Our second highlight tracks changes in the MCPS Budget from FY07
8 and FY0 -- excuse me, FY03 to FY07. During this timeframe, MCPS's operating budget
9 increased from \$1.4 to \$1.8 billion. The County's share of the MCPS budget remained
10 essentially the same, at about 74 to 75% of the MCPS budget. Our third example
11 depicts the percent change in compensation costs for active employees between FY04
12 and FY06. While salaries (the yellow bar) increased by 12%, group insurance (the
13 orange bar) increased by 24%; and MCPS retirement, i.e., pension contributions (the
14 blue bar), increased by 77%. Our fourth example shows the past, current, and projected
15 costs of retiree health benefits. Spending our retiree health benefits are anticipated to
16 more than triple, from \$35 million in FY07 to \$129 million in FY12. These increases in
17 retiree health costs will occur for two reasons. The first will be increases in the cost of
18 group insurance for retirees and their eligible dependents (shown in blue); the second
19 reason will be increases in MCPS's contributions into the retiree health trust (shown in
20 yellow). Our report includes several different approaches to estimating the average per-
21 student cost. Our last highlight compares per-student cost by disability status. For fiscal
22 year '07, OLO found that MCPS's average cost of educating a student without
23 disabilities is about half the average cost of serving a student with disability enrolled in
24 an MCPS school, and about a fifth of the cost of educating a student with disability
25 enrolled in a private school. Now I'd like to share with you OLO's work in trying to link
26 inputs to outcomes as part of this project. OLO developed two pilot indicators to launch
27 a discussion on how to measure the link between dollars invested in student results. As
28 background, research in the field remains inconclusive on whether increases in
29 education funding lead to improved student performance. Some studies find a
30 connection, while others do not. This causal link is difficult to prove in part because
31 factors other than school-based input, such as socioeconomic background, relate to
32 student achievement. Yet MCPS, like other school systems, are mandated by both
33 federal and state laws to close the achievement gap and enable all students, regardless
34 of background, to achieve at high levels. So to facilitate a discussion between MCPS
35 and the Council regarding how effectively MCPS uses the County's substantial
36 spending on education, two pilot indicators that compare changes in spending to
37 student achievement are offered. Rather than measuring the average cost per student,
38 our pilot indicators attempt to measure MCPS average cost of producing a successful
39 student. The pilot attempts to capture the cost of desired outcomes -- such as student
40 success rather than the cost of simple outputs, such as the cost per student served. An
41 auto maker would describe its unit costs of desired outcomes as it's cost per car sold
42 rather than the cost per car built. Similarly for MCPS, understanding the cost of
43 producing students who are successful, however that is defined, is important. To do this
44 analysis, OLO focused on MCPS's cost of achieving two significant high school



February 27, 2007

1 benchmarks. Pilot Indicator A attempts to measure MCPS's cost of producing students
2 that attain proficiency on the high school assessment in algebra. Pilot Indicator B
3 estimates MCPS's cost of producing students who participate in at least one advanced
4 placement or honors course in high school. These pilot indicators were estimated for all
5 students and by major student groups. We look forward to addressing questions about
6 the pilot indicators as the Council considers the merits of these or other indicators that
7 attempt to proxy MCPS's efficiency. Now, I'll turn back to Karen who will wrap up and
8 describe recommended next steps.

9
10 Karen Orlansky,

11 This next slide lists our recommended dozen, color coded into the three categories. Did
12 we pick the right ones? Well, I believe we nominate 12 important measures, but you will
13 have to be the judge of whether they are "the" ones that the Council wants to monitor
14 over time. We fully expect that as you become more familiar with the material in this
15 report, you are going to raise questions. Why not this? How about that? Where is this
16 information? And so on. And really, going back to the intent of this assignment,
17 launching that sort of conversation is exactly the point; and if we fulfilled our
18 assignment, then the report provides a framework for you to add, subtract, improve over
19 time the collection and analysis of MCPS budget data in ways that become most useful
20 and usable -- both for the Council and to members of the community. Given the nature
21 of this assignment, our recommendations all relate to your next steps for using the
22 indicators. First, we recommend that you do formally adopt a package; and while doing
23 so, provide guidance to staff on the format and frequency of future reports. We
24 recommend that you ask for an immediate update on the fiscal indicators that you
25 select, so that we can update it with data contained in the Board of Ed's FY08 Budget
26 Request so that you can start using this information as a resource in your upcoming
27 budget worksessions. Third, we recommend that you decide whether you want
28 additional comparative data. The report before you contains some; you may want more.
29 And fourth, we recommend that you consider asking the Office of Legislative Oversight -
30 - or someone else, I mean that would be completely fine with me -- to develop a parallel
31 package of indicators for the MCPS Capital Budget; because as we were doing this
32 exercise, there are many, many important fiscal issues that show up on the CIP and not
33 the operating side of things. So in closing, I want to again very much thank my
34 colleagues in the office for another labor-intensive team effort and our colleagues at the
35 school system for working so collaboratively with us. And, as I noted here, we are going
36 to worksession on the report this coming Monday. Thank you for the time this morning.

37
38 Council President Praisner,

39 Thank you very much. I want to provide an opportunity -- obviously, the Chair of the
40 Education Committee will have many bites of the apple, and I will turn to my Vice
41 President; but I suspect that there will be other lights -- there they are. I would like to
42 have an opportunity for other councilmembers to have a chance to weigh in, and then I'll
43 turn it over to the Vice President who chairs the Education Committee at the end to kind



February 27, 2007

1 of wrap things up as well. And I will try and find some time for me to weigh in on this
2 report too. So I'm going to start at my far left with Councilmember Ervin.

3
4 Councilmember Ervin,
5 It's not often they let me start first.

6
7 Council President Praisner,
8 Well, you gotta put your light on first, Valerie!

9
10 Councilmember Ervin,
11 I think Marc beat me, but that's okay. Thank you very much. This is - was so
12 enlightening for me, and you guys did an awesome job as you always do. Serving on
13 the Board of Education for the last two years, these numbers aren't necessarily new to
14 me; but the way that the information has been presented is very compelling. And so with
15 that, I want to ask a few questions and wait to hear from my colleagues to see what they
16 may have to say as well. First of all, I always like to take a step back. And as policy
17 makers, looking at the numbers and how the numbers are correlated to the strategic
18 plan of the school system and our desire and -- our moral imperative here is to teach
19 every child; and as Montgomery County moves from a suburban community to more of
20 an urban setting, some of the indicators that were most compelling to me were how the
21 school system is now a majority minority school system. And in my own district -- I'm
22 going to speak on District 5 for a second -- of the around 58,000 schools -- students in
23 my district, 80% of them are of color, and maybe close to half of them are living in
24 poverty. And so, you know, I want to have you talk to us about how to tie -- how are we
25 going to be able to tie these indicators to student success? -- because that's what this is
26 really about, because this is the body that's going to fund the Operating Budget of the
27 school system that will make sure that our students are all being taught. And there has
28 been some very interesting conversations going on for a long time about who gets what
29 share of the budget. And I saw that -- I marked these pages -- that there is some
30 interesting data about per pupil costs and how it's broken out by school, which I found
31 very interesting; and how we need to support what the school system is trying to do in
32 the more highly-impacted areas of our County -- which those hot spots are becoming
33 more and more numerous as we're moving from a suburban to an urban setting. So I
34 said a lot here, but I just can't tell you how much I appreciate all the hard work that went
35 into this report. It's something that I'm going to carry around with me a lot. There's a lot
36 of incredibly informative information in here for the public, for constituents, for people
37 who live in this County about the dramatic change in who we're teaching. So thank you.

38
39 Council President Praisner,
40 Thank you. Councilmember Elrich.

41
42 Councilmember Elrich,
43 Is this the time to ask questions, or is this --?



February 27, 2007

1 Council President Praisner,
2 Sure. Yes.

3
4 Councilmember Elrich,
5 Okay.

6
7 Council President Praisner,
8 On the report.

9
10 Councilmember Elrich,
11 Yes. I want to thank you for the report, and I found the report really useful. As you know,
12 I met with you yesterday and in a half -- in 45 minutes, I got about halfway through my
13 questions on the report; and so I won't dare do that here. I'm sure you'll appreciate it.
14 But I mean there's some things that come to mind immediately. One is, I would like to
15 be able to see for all of the money that the County's put into class size reduction, the so-
16 called added teachers, that should correspond to added classrooms or added stations;
17 or in the middle school or high school level, it should correspond to added sections
18 taught -- knowing that, you know, some -- you know, the rooms are vacant, and you
19 could bring another teacher in to teach sections in a classroom that was used by
20 another teacher. So there should be some tracking between adding staff and actually
21 adding frontline teachers who are doing the classroom reduction. That's one of my
22 concerns. I think it's important to have classroom costs, and we've talked a little bit
23 about using per pupil spending; but the reality is that you can, you know -- for those of
24 you who don't know, I was a teacher until three weeks ago, four weeks ago -- so you
25 could add a child to a classroom and it really didn't cost increase the cost of operating
26 that classroom; and you could take a child out of that classroom, and it didn't decrease
27 the cost of operating that classroom. So the real question is, What's the cost to operate
28 -- at least to me -- What's it cost to operate classrooms? What's the objective in the
29 County? How many classrooms do we want? What should those classrooms look like?
30 What's the size of those classrooms, and what's the cost to operate that classroom?
31 Because I think, you know, I want to resist the temptation of saying, "I've got a thousand
32 more students. That equals a thousand times \$10,000 more in spending"; or "I lost two
33 hundred students, and that equals two hundred times \$10,000 less in spending." Those
34 numbers may not correlate to our ability to really change spending levels, and I think we
35 need more data than that.

36
37
38 Councilmember Ervin,
39 Can I -- if this is a question, are they going to get to respond?

40
41 Council President Praisner,
42 I'm going to let him finish his questions, and then they can respond as they can. Some
43 of those sound like questions for the Ed Committee and follow-up as much as for them
44 right now.



February 27, 2007

Councilmember Elrich,

Yes, and I imagine this would be follow-up. I don't expect -- on your benchmarks, I -- actually, I have trouble with the benchmarks as they're currently written. I want to know what "proficiency" means, and I want a real definition of proficiency -- not that you've got a band of students that you call proficient, but what's the band encompass? What percentage right did they get on the algebra test and who -- which socioeconomic group is which part of that band? Because I know that if you disaggregate the bands for proficiency at the state level -- for example, on the MSA's -- you can say that 80%, or whatever it is, of our students are proficient. But when you disaggregate the band, the high score for minorities is at the low end of the band for non-minority students. And so the gap is still there. And anybody who knows anything about statistics, if I create my band big enough, I can declare a victory; and it can mask what's really going on inside the band. And so I want information on what it means to be called proficient, and then where the students look like within that band itself. I think that's really important. And I'm not sure about the AP honors -- is this simply being in a class? Because we can simply mandate, like we've done with math A, that everybody's going to be in math A. So that means that a fourth grader who didn't necessarily complete the extensions for fifth grade, is put into math A -- which means they're skipping the fifth grade math curriculum, put in the math A curriculum -- nobody fails. We know this is -- you're not flunking anybody in school no matter how little work they do. So you go to your -- you're in the math A class. You may not master that either; but you've been in the math A class. And so being in a class is not an indicator; success in a class may be an indicator. Being in an honors class is interesting. I'd like to know what the overall performance of the honors -- of those students are. Do they perform any differently on other measures? And the measure that's absent from here is the SAT measure; because at the end of the day, whether or not you're getting into a college has an awful lot to do with that score. And to leave that out of here -- I think that's a really important indicator. I mean it's the indicator I think that's flummoxed the school system more than anything else -- that, you know, the African American scores on that indicator -- if that were used as an indicator -- are absolutely -- the average score is absolutely terrible, and it hasn't moved. In fact, I think it dropped 20-something points and hasn't recovered to the point that it dropped from. And I think the excuse that we're testing more kids just -- I don't buy that. That shouldn't happen. If I'm educating kids and I'm doing the right job, it shouldn't matter whether I'm educating more kids or less kids. They should do well on that. So I'd like to see the SATs added as an indicator. I could go on, but I'll wait for a while since I feel like I've -- But I think there was a lot of really good stuff in this report. It was very -- it was very helpful to actually be able to compare things. But I'm really interested in, you know, definitions of what things -- like what words like "proficient" actually mean; and this is something where I think an independent evaluation might not be bad to find out, you know, somebody tell me what's it mean to pass the HSA in algebra. What does it really mean? What are you really prepared for? I'll stop.



February 27, 2007

1
2 Council President Praisner,
3 Karen, any comments you want to make -- I detect a pattern of comments and
4 questions that are more a follow-up issue, and also a question of more questions that
5 obviously -- or items, issues, that you're collecting that will be part of the Education
6 Committee's conversation; but, Karen, go ahead.

7
8 Karen Orlansky,
9 Just something very quick. Councilmember Elrich, I just wanted to say that -- two things.
10 In the appendix, we included some data from the most recent Call to Action Report to
11 speak to some of the points that you just raised, and it is broken out by student
12 subgroups in the appendix for your reference, and easy reference while you're looking
13 at the indicators. We didn't make up the measures of success. We adopted what the
14 school system uses. And on the pilots, I just want to toss out, we're being very
15 entrepreneurial here. This is new stuff. This is not being done -- I love the fact that
16 Elaine is in our office now and having us think about this sort of way of calculating
17 things. It's just a wonderful opportunity to work with her. And we put them in for the
18 concept -- for the idea of buying into an equation -- and then, go to it. If people accept
19 that we can do this, we can begin measuring all kinds of things linked to student
20 outcomes. So I actually am really thrilled with the comments that you have because it's
21 starting to say, Yeah, we can do this; and we gotta start doing this. So --

22
23 Councilmember Elrich,
24 I just want to say, I am concerned about using indicators that the school system uses --
25 or even using the state MSA indicators because I just -- I mean I think the -- I'd share
26 this with the rest of you. I asked questions of the state this summer about what it meant
27 to be proficient on the MSA; and I discovered that a student -- just as an example, it
28 would be possible to have a higher score and have a lower percentage of questions
29 right than a student with a lower score. It was possible to be considered proficient
30 without having mastered all the basic questions. In other words, how you do your
31 scoring system can produce pretty much any results you want; and so my concern is
32 looking at what the numbers really mean, not what the state says and not what the
33 school system says. I mean in our school -- well, I know, like for example on math
34 indicators, you could be the third band is everything from like 60% to 89%. I think most
35 of us would agree there's a difference between a child getting 60% of the questions right
36 and a child getting 89% of the questions right. It ain't the same thing. It shows up in the
37 nice band really pretty, and you can say that most of your students are in here; but the
38 kids down at 60% are not performing.

39
40 Council President Praisner,
41 Councilmember Floreen.

42
43 Councilmember Floreen,



February 27, 2007

1 Thank you, and thank you to OLO for a very good report. I think it helps us pierce really
2 the veil, as it were, of some of the school system budget documents; and the
3 presentation of information in a way that is somewhat -- gives us some perspective. And
4 I think it really reveals things in a very helpful way -- the fact that the budget is 31%
5 larger now than it was four years ago for MCPS. That's a startling reminder of what this
6 Council has funded over time. One piece of information I'll just observe that surprised
7 me in particular was the percentage of dollars spent on instructional salaries. I did not
8 realize it was -- I thought it was higher, frankly. 41% is -- and that was interesting. That's
9 on page 29 of your report. Now, I am guessing that the way you cut and split the baby
10 there, as it were, there's special education -- I know these numbers reported in different
11 -- smokestacks I think. So that's probably not a complete and entire analysis --
12 presentation of the information. But I wanted to make one comment. I have some -- I
13 absolutely agree with Marc about his comments; and I ask you on -- I wonder if you're
14 using the proper terminology with respect to cost. Is it cost or is it expenditure? Are
15 these the dollars required to produce X amount of success; or is this the amount that we
16 spend, and we see X amount of success or not? And I would actually, I agree very
17 much about the question of the measures as well. I would be interested, frankly, at
18 some point in a longer term analysis. You have the data from '75 in terms of enrollment,
19 I think; and I'm not sure you need to go back that -- we're not asking you to do another
20 piece of work. But I find it difficult to respond to this without seeing a longer-term picture,
21 because we're just looking at a more limited period of time in terms of change, and there
22 are lots of factors. We have initiated -- and the school system has initiated a vast range
23 of programs. Some of that is instructional, some of that is family-related, some of that is
24 funded by other sources. We have rec programs. We have a lot of things that we invest
25 -- that we use to invest in our children. And I am not sure that we can be so confident
26 about these indicators without drilling down a little bit more as to what we expect them
27 to tell us really. I don't think it's going to be very -- it's going to be very difficult for
28 anyone to avoid the "nots" -- what this does not show, I think. And this kind of data is
29 used for a variety of purposes. But I do think the definition of what is a successful
30 student, I'm not sure we should even go there; but I would be interested in the cost of
31 efficiency. What is the -- are we -- Is the school system using dollars in an efficient
32 fashion? It's very difficult -- I mean, there -- we're funding X amount of the school
33 system; and you can divide that up, and you can slice it in a variety of ways, and you
34 can show different ways to report the data; and that's what you're doing here. I'm not
35 sure that you're telling us what the genuine cost is to produce A, B, or C; or what the
36 cost is to produce -- and I'm not -- to produce a certain SAT score or a certain number
37 of children in AP courses. What you're telling us is how much we spend; and that has
38 allowed us to permit X number of things. And that's very different -- because you're --
39 and so I would ask you to think about the language that you've used and the way that
40 you're getting to indicators. I'm not sure if they're indicators or different ways to report
41 things; because an indicator is an indicator of success, and I didn't get the advantage --
42 we didn't have a chance to sit down and talk about this in private before this. So these
43 are just some of my initial reactions to this point. But language in this is very important,
44 and I would urge that you give some thought to what it is that you're telling us and how



February 27, 2007

1 we might use that information. Because, you know, you have comparative information
2 about other jurisdictions which is fascinating and interesting. Does it include all of the
3 same kinds of elements that are -- we fund through MCPS? I don't know -- maybe it
4 does, maybe it doesn't. There are standard reporting mechanisms, I guess, to the state;
5 and that's where you take that stuff from. But what does it mean for us in terms of how
6 we have chosen to prioritize things? The biggest challenge for us all is whether the
7 school system budget has crossed that line of 50% of the County budget or not; and, as
8 you know, it depends on what you count and what you don't count. So I thought it was
9 helpful. You had a section in the back someplace about the things that aren't included
10 which I thought was very helpful. And I would urge you as you work through this stuff
11 with the Education Committee and as the folks involved in the analysis for the Council
12 look at reports that we get from the school system, that we be careful to identify what's
13 not counted and how language is used to report items and perhaps exclude items. And
14 I'm not suggesting that anything is incorrect or wrong. I'm just saying it's different. And
15 that leads me to my last point, and I think we've talked about this previously. One of the
16 challenges for us, particularly in terms of reporting by departments or systems, is that I
17 believe the school system uses some different standards for how it reports things
18 compared to County government. I am not sure if it's in terms of compensation or in
19 other kinds of expenditures, but I'll follow up with you about my thoughts on that. But it
20 was my recollection that there are -- certain things are reported a little differently from
21 the school system's perspective -- I think particularly in the way that it carries over a
22 fund balance. Isn't that right, Mrs. Praisner?

23
24 Council President Praisner,
25 I think I know what you're talking about. I'm not sure it's the compensation piece -- but,
26 yes. The FTE issue and --

27
28 Councilmember Floreen,
29 There are some things -- it would be helpful for us to understand the consistency of
30 treatment of certain elements in their overall budget. That's probably a better way to put
31 it; because we do think in one way when we look at the overall County budget, and we
32 carry over that thought looking at the school system budget. But it's -- unless we ask the
33 question, any differences may not be evident on their own. So that's my overall reaction;
34 and as I said, I would urge you particularly to think about your use of the terminology
35 "cost" versus "expenditure." Thanks.

36
37 Council President Praisner,
38 Councilmember Trachtenberg.

39
40 Councilmember Trachtenberg,
41 Going to keep my remarks on the brief side, and I want to start off by thanking all of
42 those involved in this process because I do think that this report is quite useful, and I
43 very much like the idea of the indicators. I wanted to ask people to turn to page 62 and
44 63 in the report. Around seven years ago, I had the honor of chairing a school board



February 27, 2007

1 committee, the Advisory Committee on Counseling Guidance; and one of the exercises
2 that we actually did that last year I chaired was to actually pull together what data did
3 exist on responsive services in the school system. And what I'm talking about are the
4 visits by students to counselors around issues such as anger management and
5 substance use, divorce, etc., etc. And, of course, there was a reasonable trend that we
6 saw about use. Now, that's clearly something different than needs; and the reason I call
7 everyone's attention to page 62 and 63 is that if you actually look at Table 26, it's clear
8 that counselors are included in school-based services and psychologists are under the
9 category of Central Field Office based services. And I'm assuming that those are the
10 folks that are doing some of these school-based services. So I wonder if there isn't
11 some way that we can't get a better handle -- actual information -- on the responsive
12 service programs within the schools; and I'm specifically interested in this as we talk
13 about the need to develop school-based services. What I'd like to get some sense of is
14 exactly what are the investments that we're making in these services because that
15 clearly helps us on this end identify how to allocate our resources and how to partner up
16 with some of our community non-profits. It's not a way of establishing need necessarily,
17 but it's a way of seeing what kind of investments are we making. And I would
18 recommend that perhaps one of the indicators that we do have on the list be an
19 indicator around the cost of these kinds of services within the school system. And,
20 again, if we don't want to do that this year, I really think it would be reasonable to add
21 that because -- at least from my perspective, having worked clinically in the community -
22 - I think one of the biggest challenges at the schools right now is the fact that staff
23 oftentimes is used to provide really what I would consider to be clinical services; and I
24 wanted to start us in the right direction, which is to identify what responsive services we
25 are funding and to what tune. And clearly, you know, that will give us some sense of
26 where some areas might be that we need to concentrate the resources in.

27
28 Karen Olansky,

29 Just one very quick response in that this is a good example of where our reliance on
30 how the school system tracks data constrains or affects what you see, because these
31 are not our definitions. These are the school system's definitions; and they're based,
32 again, on what they report to the state. And we estimate, based on the work that we did,
33 that the school-based is about 75% -- captures about 75% of the per student costs. So
34 you're missing, in the average per student cost, by school, probably about 25%.

35
36 Council President Praisner,

37 But that's going to vary from school to school.

38
39 Karen Orlansky,

40 Exactly. So It would not be -- I understand what you're saying. I think it's a great idea.
41 It's not a minor data request.

42 ■

43 Councilmember Trachtenberg,

44 No, I realize that.



February 27, 2007

Karen Orlansky,

And we'd have to, you know, really figure out what we're goin' for and -- yeah. It's not minor, but -- It's a good example of where our work is affected by how the school system -- financial systems certainly, currently track data.

Councilmember Trachtenberg,

I would agree that it's not an easy exercise; but again, I think there's a value to it simply because we are talking abilities developing school-based services; and I don't really think that I or a lot of other folks really have a sense of exactly what's being funded.

Councilmember Andrews,

Councilmember Andrews. Thank you. Well, thanks for a very thorough report. I'm looking forward to delving into it in detail with my colleagues on the Education Committee. I think that what the base budget reviews have helped to do is to remind us -- like an iceberg -- what really matters is what's below the surface. You need to remember that most of the budget is there from year to year; and generally during the budget process, we just focus on the new initiatives that are proposed and often, for lack of time, don't focus as much as we'd like to on what's already there -- which is 90, 95% of what is proposed. So I think the effort to really get at the base, look at the assumptions underlying the budget, is really critical. I think the next step going from the key fiscal indicators which are here is to move to key performance indicators. Look at what works -- what is most effective, because our role, really, is to fund what works. We're the funding authority, and we need to be making sure that the tax dollars are spent on those efforts that are having the most effect. I do think that one of the greatest investment this Council has made over the years was the investment in reducing class size in the early grades -- it was initiated in 1999 or 2000 -- and which has been continued at substantial cost, but I think to great benefit. For example, just to reduce the reading classes to 15 students per teacher systemwide in first and second grade cost approximately \$20 million a year -- and that was back when it began. It's more now. But I think we're seeing the results of that in the performance of those students who have benefited from that. I think that was a very wise investment. I think the School Board and the Council worked very closely together to target those resources where they would make the most difference. And so I think we have to keep our eye on what works, what's most cost effective, what are the assumptions behind the budget; and I think this gives us an excellent overview of what is there and what is being done in some areas. I think we need to delve more into what works best, what's most cost effective, and where can we continue to make the greatest difference with wise investments. So thank you for your good work on this. I would just point out that on the chart near the back of the report, which I think will probably get some attention, which is the breakout per cost of student by elementary school -- remind me. You have the pages. I saw it a minute ago.



February 27, 2007

1 It's a complete listing. I think it's important to note that there are some factors there that
2 are not listed; and it's important to look at, as is listed, the size of the school because it
3 is more expensive to run a small school on average than a large school given the fixed
4 amount of staff to some degree in the administrative office, but also the presence of
5 programs that may not be indicated -- such as special education programs in certain
6 elementary schools that add to the average per-pupil cost that are not reflected in the
7 chart on pages 66 through 69, Table 27. So I think that's just a caution; and in looking at
8 the numbers, I think it's important to note that there is information that's not there that
9 might have a profound effect on those average amounts to educate the students in the
10 different elementary schools across the system.

11
12 Council President Praisner,
13 Thank you. Councilmember Leventhal.

14
15 Councilmember Leventhal,
16 Thank you, Madam President. I think the most striking thing about this conversation is
17 that we're having it at all; and what we see here is a new day on the Montgomery
18 County Council. And Dr. Bonner-Tompkins, nice to see you here. Your position was
19 created as the result of an initiative by Councilmember Praisner and myself in last year's
20 budget because many of us on the prior Council felt that the County Council was not
21 doing enough to understand the 74% of the pie of the MCPS that we appropriate. And
22 so I have to congratulate us, the County Council, for taking this step because I think it is
23 in the public interest that we really do delve deep into spending that represents \$.50 on
24 every dollar that we raise from the taxpayers and that we spend on behalf of the
25 taxpayers. And I think it does mark the beginning of a different kind of relationship -- still
26 a very positive, still a very constructive relationship - with MCPS. My good friends from
27 the Board of Education are here and we're excellent colleagues and we have a great
28 respectful relationship just as we do with other levels of government. We interact
29 productively and constructively with the Congress and with the Maryland General
30 Assembly and with the Board of Education, and we respect each other's independence
31 and we respect each other's prerogatives as elected officials; but we all have an interest
32 in what we all are doing, and I think this is really a new day for the County Council, and I
33 look forward to the leadership of Chairman Mike Knapp and Councilmembers Ervin and
34 Andrews on the Education Committee because I know that they will be looking at
35 holding the system accountable, establishing matrix, and asking questions about the
36 expenditure of dollars -- not in a hostile or confrontational way, but in a really productive
37 and constructive way which I think is a striking difference for the County Council. I don't
38 think we can simply say, as may have occurred in the past, "Just tell us your request
39 and we'll fund it, no questions asked." I don't think that is the model that the County
40 Council is going to following in the future, and I think we've begun that here today. I also
41 have to call attention -- I have to do this -- to the chart which on the short version of the
42 slides we got is on the top of page 4, which shows demographic trends in enrollment
43 growth between 1985 and 2005. And it is strikingly clear and true and it is before us
44 here right now that students of color do not comprise some of the enrollment growth.



February 27, 2007

1 They do not comprise most of the enrollment growth. All of the enrollment growth in
2 MCPS over the last two decades is students of color. The number of white students has
3 dipped slightly. It's very important to understand that this chart on the left hand side is
4 not percentage. It is absolute numbers. So that even as the overall population of the
5 school system has grown, the absolute numbers of white children has dipped. Now,
6 some might look at this chart and say, "Well, of course that's white flight. This massive
7 influx of rich white families that we know are buying all these condos that we don't like,
8 they must be sending their kids to private school." But, no. In fact these very same
9 trends are mirrored in census data. These are the exact same trends in Montgomery
10 County's population at large. Immigrants, minorities, and people of color do not
11 comprise some of the population growth, not most of the population growth -- all of the
12 population growth in Montgomery County over the last two decades are immigrants,
13 minorities, and people of color. This chart shows it. It shows it with the microcosm of
14 MCPS, but it is also the case in terms of the larger composition of Montgomery County's
15 population. I think this chart makes a vitally important point as to how we think about the
16 future of the County, how we think about the opportunities we provide in terms of
17 education, jobs, and housing for the future of this County.

18
19 Council President Praisner,

20 I have two of my colleagues who would like to get a second bite of the apple; but neither
21 Council Vice President Knapp or I have had a chance, and we're at the time when we
22 were going to meet downstairs. So I'm going to ask my colleagues who have already
23 spoken to provide whatever comments they have in writing or as an aside to Karen and
24 to Dr. Bonner and others for the Education Committee, and I'm going to allow myself a
25 moment of personal privilege to comment and also let the last word be given by the
26 Council Vice President. I want to add my thanks for this information. It certainly is a lot
27 of information which we can use or not use as we choose. I want to also offer a point of
28 caution. I think it is important for us to have the kind of information that we need; but if
29 we are using only information that comes from school system data systems and it is
30 based on the state's categories and it is based on the fact book that is prepared at the
31 state level that shows data from different school systems, we are comparing apples,
32 tangerines, oranges, and kumquats because -- and we are doing so only at the skin
33 level. We have not gotten into the actual substance below that. Having spent a lot of
34 time interacting with my colleagues in other jurisdictions as a school board member and
35 as a councilmember, and having worked with the State Department of Education and
36 tried to survey and aggregate and disaggregate data, not every school system in this
37 state -- even though we only have 24 and should be able to manage it-- reports the
38 same information about the same functions in the same way. Not every school system -
39 - not every county funds school nurses in the health department. Not every county funds
40 crossing guards at all. In the rural counties, they don't have them, or they have very few;
41 but they certainly do not appear in the school system budget, but they are support for
42 education. Our education police officers in our secondary schools would not appear in
43 the school system budget. Their relationship and role in the outcomes as well as in the
44 data collection are mixed in a variety of ways. I think my colleagues have already



February 27, 2007

1 indicated the concerns I have about reporting cost per pupil by school when we have
2 the range of enrollment size, because surely we're not saying it's more efficient to start
3 creating a ton more Matsunaga Elementary Schools because it is fewer dollars per pupil
4 in those schools.

5
6 Councilmember Knapp,
7 Not that it's not a great school.

8
9
10
11 Council President Praisner,
12 Not that it's not a great school. And I also would comment, and I'm gonna have a ton of
13 questions for the Education Committee and follow-up. We run the risk in this process of
14 not moving to the kinds of issues Councilmember Leventhal and I urge in the analysis.
15 We run the risk of doing exactly what Councilmember Andrews indicated -- trying to
16 become the Board of Education -- If we start to focus too much on very interesting
17 questions, but not necessarily County Council questions. At the same time, I think we
18 need to drive the way the data is collected -- financial data -- and the way we analyze
19 the alignment of that data, and then to ask the question about the outcomes of that
20 program to see whether we should continue the program; but that is a question the
21 school system and the Board of Education will have to justify to us if we don't see the
22 kinds of outcomes that we need. So, let's get beyond the fact book. Let's get beyond
23 the state categories. Let's start looking at programs. Let's start looking at the
24 classification of people and the alignment and assignment of those people, whether
25 they're in school or out of. And let's be very careful, as Councilmember Floreen said, in
26 the vocabulary that we use. Council Vice President Knapp.

27
28 Councilmember Knapp,
29 Thank you, Madam President; and thank you, everyone, for your comments. I'll just
30 begin by thanking OLO and also thanking the school system. I know that the data has
31 come, and you've worked closely with OLO to try to provide that, to make sure that it's
32 there and available; and I thank everyone who participated to that end. For anyone who
33 is listening in or watching, we live in kind of a sound-bite world, and I appreciate the
34 abbreviated presentation that you've made. I think it took about twelve minutes and ten
35 or twelve slides, but there is a hundred-page report that, if people are interested, I think
36 we'll have it on our website.

37
38 Karen Olansky,
39 It'll be available this afternoon online.

40
41 Councilmember Knapp,
42 Okay. Good. So the people can take a look at that. It has a lot of information; and so
43 there were just very, very high highlights that were presented to us in the presentation.
44 And so I think that's important for everyone to recognize and to look at that. And I think



February 27, 2007

1 it's important -- many, many of the comments that have been made today -- data, any
2 data, should be used with various caveats and be used cautiously; and it's important to
3 be careful about drawing any conclusions on a data point or even a couple of data
4 points on something as complex as running a school system and educating our
5 children. There are lots of factors that go into it, and I think there are sufficient caveats
6 to the report itself; but it's something we all need to continue to remember -- that the
7 data and the research is out there, is still very new as it relates to correlations of funding
8 and outcomes and programs; and we're still, interestingly, on the cutting edge of that.
9 That notwithstanding, I think the point that Mr. Leventhal has made and Council
10 President Praisner has made, the fact that we're having this conversation is significant;
11 and I appreciate the efforts of everyone that put this together. The number of indicators,
12 the type of indicators is something that is out for discussion. In fact, that's a
13 conversation we had in the Education Committee when MCPS presented the strategic
14 plan. They are measuring a number of performance indicators associated with that
15 strategic plan. The important thing, I think, for both institutions right now is the fact that
16 there are indicators that are being captured and identified so we can have the next
17 conversation to determine, Are they the right ones? Are we asking the right questions?
18 Prior to the last couple of years, we couldn't even have that type of a conversation. And
19 so we're now at a point where we've got some data; we can begin to refine that
20 conversation further. And I think that's very important. Ideally, this will allow us to have a
21 much better conversation -- and a better conversation amongst ourselves, a better
22 conversation with the residents, a better conversation with our state legislators. I know
23 that the board president and board members have been now advocating very strongly
24 for GCI and trying to articulate exactly the graph that Mr. Leventhal just pointed out --
25 that we have a very different school district, and we have a lot of issues. We need to
26 have more information to help us tell that story; and I think this type of information helps
27 us do that. And so as Karen indicated at the outset, this is the beginning of a
28 conversation. It will help us ideally do a better budget this time around, but will also help
29 us have the information to set a framework to do budgets better going forward, and to
30 explain to people where those dollars are going. In addition to this report, I would also
31 urge people to look at the strategic plan, the measures that have come forward
32 associated with that, the Balder's report. We'll try to bring all those together in the
33 Education Committee, but it's also information that people may want to avail themselves
34 of. And to Ms. Floreen's questions, I agree with you wholeheartedly. Sometimes it's
35 difficult to be the first organization out of the box; and to that end, in County
36 government, we also have the MCFRS report which I hope will establish a baseline for
37 us to look at other County departments; because the reality is, we at least have data
38 that we can look at within MCPS. I would argue that with most of our County
39 departments, it would probably take us -- I can't even guesstimate as to how long it
40 would take us to put this kind of a report together because the basic data doesn't even
41 exist as to questions as to what they're doing, much less how they're doing it efficiently
42 or effectively. And so, hopefully we'll get to -- this will set a framework for us to begin to
43 look at more departments and agencies as we move forward. And so the cost versus
44 expenditure is important, the language. But I think the significant thing today is that we



February 27, 2007

1 have the report in front of us, we have everybody at the table talking about the issues
2 that are before us, and so if -- I'm sure many, many questions were not asked today; so
3 if you want to jot them down, you can e-mail them -- however you want to it. Send them
4 to Karen, send them to me. Don't make too elaborate. Don't make it too formal. Just
5 make sure we get them, and we'll make sure that the Education Committee begins to
6 undertake them. It will be a long worksession, I'm expecting. But again, this isn't one
7 bite at the apple. We're going to ideally implement this, so this is part of our ongoing
8 process. And so I would urge you to continue to stay engaged and identify lots of
9 questions, but I thank you all for your participation and look forward to the next steps in
10 the process.

11
12 Council President Praisner,

13 The point that Council Vice President Knapp makes, the report of OLO on fire says that
14 the data we don't have is a function of not having spent the money to develop the
15 systems within the County government; and that at this point, Fire and Rescue is using
16 a system that -- from a structure that no longer exists. Councilmember Berliner has a
17 point of personal privilege.

18
19 Councilmember Berliner,

20 Thank you, Madam President. And if I could, with your indulgence, earlier today -- this is
21 not on the conversation we've just been having, so I think we've wrapped up that
22 conversation as I understand it. Earlier this morning, we approved on the consent
23 calendar the Executive Regulation 20.06 regarding Sidewalk Vendor Operations and
24 Licenses. And you will note on page 2 of the staff report with respect to that that the
25 Village of Friendship Heights had some concerns, and one of their requests was that
26 they be notified by the Department of Permitting Services when vendor permits are
27 requested for areas located within the Village of Friendship Heights. I have talked to our
28 staff with respect to that request, and they thought that that was reasonable and that
29 they would like to make that's part of DPS's operating requirements, if you will -- not put
30 it in the regs and formalize it, but simply request the DPS to honor that request and so
31 notify Friendship Heights. And I would simply like to ask my colleagues' consent that
32 that be an understanding with respect to the approval that we just did earlier today.

33
34 Council President Praisner,

35 Without objection, we are not changing the regulation. We could not change the
36 regulation at this point, but staff will communicate to the staff there about making sure
37 that the Village of Friendship Heights is aware of any street vendors planned for their
38 area.

39
40 Councilmember Berliner,

41 Thank you very much.

42
43 Council President Praisner,

44 We are in recess until 1:30 public hearings. Thank you.

February 27, 2007



TRANSCRIPT
February 27, 2007

MONTGOMERY COUNTY COUNCIL

Councilmember Marilyn J. Praisner, President
Councilmember Elrich
Councilmember Andrews
Councilmember Elrich
Councilmember Berliner

Councilmember Michael Knapp, Vice President
Councilmember Trachtenberg
Councilmember Leventhal
Councilmember Ervin



February 27, 2007

1 Council President Praisner,
2 Good afternoon ladies and gentlemen. This is a Public Hearing on a Supplemental
3 appropriation to the FY07 Operating Budget of the Montgomery County Fire and
4 Rescue Service for Local Fire and Rescue Departments FY06 Senator Amoss Fire
5 Rescue and Ambulance Fund in the amount of \$1,461,940. A Public Safety Committee
6 worksession is tentatively scheduled for March 8th at 10:30 a.m. Additional material for
7 the Council's consideration should be submitted by the close of business March 2nd.
8 Before beginning your presentation please state your name clearly for the record. There
9 are no speakers for this Hearing and the Hearing is closed. Good afternoon ladies and
10 gentlemen. This is a Public Hearing on Expedited Bill 3-07 Planning Board - Salaries.
11 Which would set the salaries of certain members of the County Planning Board and
12 generally amend the law regarding salaries of Planning Board members. A
13 Management and Fiscal Policy Committee worksession is tentatively scheduled for
14 March 1st at 9 a.m. The record will close at the conclusion of the Hearing. There are no
15 speakers for that Hearing, either. We are now going to in about ten minutes receive a
16 briefing that I had scheduled at the request of Councilmember Ervin. And because we
17 both believe that lessons learned from the issues of Charter House and the problems
18 associated with flooding at that building can serve and should serve, not only to help us
19 to understand and support the residents of Charter House, but also serve to inform us
20 about the kinds of procedures that should be in place with any multi-family building of
21 any size from a public safety perspective. We will just take a break until 1:45 so we can
22 start the Hearing on time. Thank you. I assume will be joined by a few other
23 Councilmembers. Let me just note that Council Vice-President Knapp and
24 Councilmember Floreen are in Annapolis this afternoon testifying on some legislation
25 that would help with transportation funding. So they will not be with us this afternoon.
26 And I would invite to the table Mr. Reilly and whomever else from County Government
27 we have and the representative of the resident association to join us at the table as well.
28 Mr. Cassidy, is that it?

29
30 Allan Cassidy,
31 Yes.

32
33 Council President Praisner,
34 Welcome.

35
36 Allan Cassidy,
37 Thank you.

38
39 Council President Praisner,
40 I'm going to turn this over to Ms. Ervin to make a couple of comments. But I want to just
41 lay out for folks why we're having a Council discussion on this issue. Number one,
42 obviously, we have a problem that occurred and when we have residents who find
43 themselves with the kind of situation that has them evacuated from their homes, it's an
44 issue of importance to all of us, especially when the government obviously was involved



February 27, 2007

1 with the house, the structures that we're talking about, the apartments. Secondly,
2 though, the broad issue that Councilmember Ervin brought to me, is how does
3 government operate in such a situation and what lessons can we learn from this
4 process that can help us with any future issue we can hope that there aren't any. But
5 there could potentially be. With any multi-family residence of any height and size,
6 there's always the potential that a situation can occur that requires government to step
7 in and respond or at least assist with support of those residents. And what we learn an
8 after action report or however you want to call it, what we learn from this process will
9 hopefully help us to continually improve the way in which we approach any similar
10 situation in the future. Obviously, from a highlight, there is responsibility from a
11 government perspective. But it also appears to me that there are some requirements
12 that we need to ensure that every facility, multi-family facility of any size, has in place
13 and has also shared with the government, including the evacuation plans and any
14 procedures and equipment and also locations of residents that might need assistance,
15 et cetera, common sense kinds of things that become more critical because you need to
16 have them ahead of time and not before -- not when a situation arises. So it was that in
17 mind that I enthusiastically supported and helped to schedule this meeting. There
18 obviously may be follow-up issues that other committees of the Council may want to
19 continue to monitor and track. I'm going to let Councilmember Ervin make whatever
20 introductory comments she would like to make and then Mr. Reilly representing the
21 County Executive Department. I'll turn it over to you. And I also want to have an
22 opportunity for the Charter House Resident Council President, Mr. Cassidy to also have
23 an opportunity to comment as well. Valerie?

24
25 Councilmember Ervin,
26 Thank you Madame President. I want to first start by thanking Council staff, Linda
27 McMillan for your great packet. I really appreciate the work that went into it. I also want
28 to thank the County Executive and his staff for their prompt response to the questions
29 that were laid out in this packet by Linda McMillan. My understanding is that today we're
30 just going to focus our attention on the evacuation plan and the emergency shelter plan.
31 I want to thank Mr. Cassidy and the Charter House Council for its tremendous
32 leadership over these past few months. I know that I was sworn in on December the
33 4th. And I think it was on that day that my office received a telephone call from you. And
34 I know that this might be a little bit unusual, Ms. Praisner, but I would like to have Ben
35 Stutz from my staff at the table if that's okay, because Ben as many of you know, was at
36 the Charter House for many days and many hours. And his work in preparing where my
37 office, the response from my office is very important. So I might not need you at the
38 table right now, Ben. But I'm going to probably ask you to come up to the table at some
39 point during the presentation. I want to thank the Charter House residents who came
40 together during some very difficult times during the holidays to organize themselves.
41 You stayed on top of the situation. You made sure that all of us received constant
42 information. I want to thank Greg Hamilton and Mr. Allan for their time and efforts to
43 help organize and empower and lead the Charter House community. I want to also
44 thank all the businesses and nonprofits that helped to support the residents during the



February 27, 2007

1 evacuation with food, with space, with clothing, with communication and with
2 transportation. The testimony submitted by the Charter House Council speaks to the
3 hardships of the evacuation on residents. But it also brings to light the need for a
4 comprehensive approach to provide Charter House residents with a safe and thriving
5 senior living community. So, I see today's briefing as a beginning of a discussion on
6 elderly housing, on evacuation plans, and on the County's response. And any of the
7 follow-up issues that come up today will be referred to the Committees PHED, HHS and
8 Public Safety for more in-depth analysis and discussion. I really want to thank Ms.
9 Praisner for quickly agreeing to do this today. I think it's a very important thing for us to
10 be doing. Thank you very much.

11
12 Council President Praisner,
13 Thank you. Mr. Reilly you can begin.

14
15 Scott Reilly,
16 Thank you Madame President. For the record, my name is Scott Reilly, Assistant Chief
17 Administrative Officer for Montgomery County. Thank you for the opportunity to sit here,
18 and even though I may be sitting here alone at this table right now, let me tell you that
19 there were hundreds of County employees that helped support us in our response to the
20 Charter House. Behind me today we have representatives of Health and Human
21 Services, Housing and Community Affairs, Homeland Security, the Fire and Rescue
22 Service, Permitting Services, the Volunteer Center and Recreation. We also had
23 support from our Ride On buses, the community emergency response teams, the Silver
24 Spring Urban Crew, the police department, and sheriffs. And I know I probably left one
25 or two agencies out. We had a tremendously coordinated response to Charter House.
26 First a little bit of background, approximately four years ago, the then owner of Charter
27 House notified the County of his intent to convert Charter House from a retirement
28 community to condominiums. The Department of Housing and Community Affairs
29 stepped in and found a buyer willing to maintain the affordable senior occupancy at
30 Charter House that was Homes for America. As part of that transaction, Housing and
31 Community Affairs provided a 10 million-dollar housing initiative fund loan to assist in
32 the purchase, rehabilitation, and retention of the affordable units at Charter House.
33 Since then, Charter House has undergone major renovations to the building systems.
34 This was done with folks in place. It was not an easy experience either for management
35 or for residents. Currently Charter House is managed by Centrum Management. On
36 November 30th, just before 5:00 a.m., a seal failed on a pump in the basement
37 mechanical room at Charter House. Water flooded the basement to an eventual depth
38 to 7 to 8 feet. The Fire and Rescue Service responded immediately to an alarm set off
39 by the drop in water pressure in the fire suppression system in the building. WSSC was
40 notified of the emergency. Just before 6:00 a.m. the Fire and Rescue Code
41 Enforcement arrived on the scene. By 7:50 a.m. WSSC concluded that they were
42 unable to turn off the water. The valves to turn off the water were submerged in the
43 mechanical room at Charter House. At 8:48 that morning the Fire Marshall concluded
44 that the building fire suppression systems, both the electrical systems and the sprinkler



February 27, 2007

1 systems had been compromised to the extent that the building was unsafe to continue
2 occupancy. Recreation, the Red Cross, and Health and Human Services were notified
3 at that time. Ride on buses were secured, a shelter at the Caulfield (sp) Center was
4 identified. Residents were transported by ride on bus to the emergency shelter. The
5 evacuation continued until about 3:00 p.m. Pepco was also on the scene because the
6 electrical equipment is in the basement. Pepco wanted people to shut off the electricity
7 immediately but knowing the frail and elderly population in there, a command decision
8 was made with Pepco and Fire Rescue Services to leave the electricity on so that the
9 elevators would run and people could be brought out of the building. Again, the
10 evacuation continued until about 3:00 p.m. The written response that you have does
11 contain an error. I was told by Charter House that an evacuation plan was developed in
12 consultation with Fire and Rescue Service in the summer of 2006. They say that the
13 evacuation plan was presented to the residents on July 19, 2006. And as far as
14 representation here, I need to say that the ownership Homes for America is represented
15 here as is the Red Cross. Just after, continue the timeline, just after 9:00 a.m., WSSC
16 began digging in the street to find a shut off valve. Water was finally shut off at 1:10
17 p.m. But the pipes in the building, which were still pressurized, continued to drain their
18 water into the basement, leading to an eventual depth of 7 to 8 feet. Pepco shut down
19 the power to the building later that afternoon after the evacuation was complete. There
20 was considerable damage to the building, the building equipment systems and there
21 was a need for restoration of those systems. Electrical equipment in the mechanical
22 room suffered severe damage because it was electrified during the flooding. It needed
23 to be replaced. There was no repair that could be done to the equipment. And
24 replacement involved a custom manufacture of many of the critical components to the
25 building's electrical system. Homes for America began evaluating the repair process as
26 soon as the mechanical room was accessible, as soon as it had been pumped out.
27 They actually expedited the manufacture of replacement parts by finding a local
28 manufacturer and paying a premium to expedite the construction and delivery of the
29 critical electrical components. County inspectors were put on alert and were available to
30 test and inspect as soon as Homes for America had accomplished the repairs on the
31 system. Re-occupancy took place on January 13th, which is actually three days earlier
32 than the date that had been forecast about a month before. During this extended
33 displacement of residents from Charter House, residents at first who did not have other
34 arrangements were sheltered overnight at the Caulfield Center. That was an emergency
35 shelter. There were cots brought in. The shelter was run by the American Red Cross.
36 Health and Human Services was on site, as were other County staff. Homes for
37 America at that time contacted local hotels and senior housing facilities in the area for
38 vacant accommodations and then residents were moved the following day to hotels or
39 to other accommodations. During the extended sheltering period, the Homes for
40 America and the County ensured that all residents were sheltered, nourished, or
41 financially protected. Multiple departments coordinated these efforts and your packet
42 today has a much more detailed listing of how these things were accomplished. But we
43 need to note that the volunteer center did a wonderful job of coordinating the donation's
44 management and securing donated meals, foods, services from the private sector. The



February 27, 2007

1 private sector individuals and businesses did a marvelous job of stepping up and
2 providing for the needs of Charter House residents during their displacement. Homes
3 for America and the County began joint communication to all residents on December
4 19th and spelled out the nature and responsible parties for the support services. We
5 learned a lot of lessons through this 45 day displacement. We conducted our after
6 action meeting this afternoon this past Friday under the direction of our Department of
7 Homeland Security and are preparing a detailed report on our entire response and the
8 lessons that we learned. The initial response to the event and the evacuation we believe
9 went very well. All residents in the building were evacuated without injury to either the
10 residents or the responders. The emergency shelter was quickly identified, staffed,
11 transportation was provided, appropriate representatives of the Red Cross and County
12 agencies were there. Residents who did not have housing alternatives were securely
13 and safely housed and provided with the basic nutrition and wellness needs during their
14 extended displacement. The financial impact to residents was minimized by Homes for
15 America who provided rent abatement for both December and January and cash grants
16 of \$1,200 to each displaced household. They provided grocery gift cards upon
17 reoccupancy to help restock perishables. The County protected residents financially by
18 agreeing to pay all hotel accommodation costs that were in excess of the amount of
19 rebated rent. This was seen as the fairest way to go about it. Because there are a
20 number of different income levels housed at Charter House. If somebody's rent is only
21 \$300, that would be all they were expected to pay toward the hotel accommodations
22 and the County would pick up the rest. If somebody's rent were \$1,800 then that would
23 be the payment toward the hotels. The County coordinated donations, again a huge
24 outpouring of support from the businesses. But we also came across things that could
25 have been done better. Communications, especially early in the displacement could
26 have been much better. Communications of course were complicated by the public and
27 private nature of this event. It wasn't a natural disaster, a manmade disaster, it was not
28 in Homeland Security's view, a disaster, but it was a displacement. The nature of the
29 event and the having residents scattered among several hotels in Silver Spring as well
30 as private living arrangements made communications difficult. There also needed to be
31 better coordinated communications between the ownership of the building,
32 management of the building and the County that was providing many of the services to
33 the residents. There was also a need for better accounting of residents during the
34 evacuation and the initial emergency sheltering. Many residents left Charter House on
35 their own accord and/or left the emergency shelter without resident tracking taking
36 place. People from Charter House could get in their own vehicles during the
37 displacement and go off to their alternative living arrangements. The Red Cross once
38 the sheltering -- the emergency shelter was established did begin doing resident
39 tracking. Again, the nature of the facility there with multiple entrances and exits made it
40 difficult to get a total accounting of residents. Let me move quickly to the bottom line. All
41 Charter House residents were evacuated in a minimum amount of time without injury.
42 All residents were well sheltered and nourished during the 45 day displacement.
43 Residents were financially protected. Repairs were completed in the shortest time
44 possible. Reoccupancy took place three days earlier than the forecast date and over



February 27, 2007

1 90% of the residents returned to their apartments at Charter House. Again I have
2 representatives of the responding departments and the ownership and the Red Cross
3 are here to answer any questions that the Council may have.

4
5 Council President Praisner,

6 Thank you. Mr. Cassidy, would you like to make any comments? If so, you need to push
7 the button in front of you so that the microphones are live. And then if you can repeat
8 your name again for our system so that they have it.

9
10 Allan Cassidy,

11 Good afternoon President Praisner and Councilmember Ervin and members of the
12 Montgomery County Council. My name is Allan Cassidy. Resident of the Charter House
13 association. I'm glad to be here today to represent the Charter House. And with me here
14 today, I have members of the Charter House Association, will you stand please.

15
16 Council President Praisner,

17 They can just wave if it's easier. You don't have to stand. Just wave. We'll wave back,
18 okay.

19
20 Allan Cassidy,

21 Now, we will have Betty -- we will have Vicky Price to read -- we've got two parts. Vicky
22 Price will read the part about the evacuation and we have a second part will be read by
23 John Ricketts and Betty Holmes about other concerns we have.

24
25 Council President Praisner,

26 Okay. If you'd like to come up and sit at the table for the presentation, just say your
27 name again and press the button in front of you so the microphone is live.

28
29 Victoria Price,

30 The chair is short.

31
32 Council President Praisner,

33 I know, we have those challenges.

34
35 Victoria Price,

36 I was told, basically that.

37
38 Council President Praisner,

39 Can you just repeat your name.

40
41 Victoria Price,

42 Yeah. I'm sorry. Victoria Price. I'm Corresponding Secretary for the Charter House
43 Residents Association. I'm also on the Bethesda Police Citizens Advisory Board, which I



February 27, 2007

1 consider a critical role in my every day living. I was told that both of these letters were
2 already entered into the record.

3
4 Council President Praisner,
5 We have them yes.

6
7 Victoria Price,
8 And that they've been reviewed by the Council. So it's not necessary for me to read that
9 word for word.

10
11 Council President Praisner,
12 No, not at all.

13
14 Victoria Price,
15 Okay, however, I have been taking some notes. I do have some questions on my own
16 that may assist in this process because my understanding is that the briefing today is to
17 assist you for planning in the case of an evacuation process in the future. First of all, I
18 do want to say that there were residents who were unable to retrieve their vehicles from
19 the garage, which operates with an electric eye, and due to the electrical system failure,
20 many were basically hotel bound or stuck in wherever, banded up at after the
21 evacuation, so I want to clarify that point. Secondly, we were not presented a bone fide
22 evacuation plan in December of 2006. Mr. Delaney who is very well known to Scott
23 Reilly, basically did a three part workshop for us during the summer. I think it was about
24 six weeks apart, a three part workshop. However, it was a generalized plan. It was not
25 specific to our building and that has been one of my main complaints, not just as an
26 Advisory Board member, but also as a hall captain. I'm one of the few individuals and
27 Loraine Wendell who is here with me also goes through the stairwell. So there are parts
28 of the building which we are familiar that other residents are not. One thing we noticed
29 is that some of the evacuation postings in the building are incorrect. The one on my
30 12th floor is actually for the 15th floor solarium, which unfortunately, the opposite end
31 has an accessible door that someone can step off of and fall off the roof and that's been
32 a main concern. I have a photo that I will submit to you at the end of that. Additionally,
33 as I said, there is no evacuation plan for the building, specifically. We do have one east
34 stairwell that does not go to the lobby. It ends up at the maintenance shop or it ends up
35 at the third floor garage, however, a person who is outside may not know that they need
36 to get back inside, go back up to the fourth floor and take an elevator to get back down
37 to the lobby. This is something I'm well aware of. But a person trying to get out of the
38 building in a panic may become trapped or may end up becoming self-injured during
39 their panic. Yes, we do have no formal evacuation plan. Let's see. On the day of -- I'm
40 sorry. At 2:01 in the morning, I had gone through the stairwell and noticed that the
41 conditions were hazardous to us. We have no rubber treads in the stairwell. The lighting
42 is dim. Some of the stairwell's handrails were loose. And I found trash and debris in the
43 stairwell, which I did photograph. And four hours later the fire department pulled up and
44 I faxed Mr. Reilly, I faxed Mr. Giloley as well as Mr. Leventhal and apprised them of that



February 27, 2007

1 situation. And I said that if an evacuation became necessary, we were in trouble. My
2 concern wasn't so much serendipitously of flooding but of fire. Because given the length
3 of time that it took to evacuate everyone due to the various physical conditions that we
4 had that a fire would have actually been tragic. And in the case of electrical failure, we
5 will not be able to get out the front door. It operates by electrical eye. A side door is
6 double locked from the inside, that is totally inaccessible. If someone were to set fire to
7 the lobby, we would not be able to get out the front door in case of an emergency. One
8 thing, I'm making some recommendations on my own, but I also have some questions
9 of the Council that's in coordination with the parties involved. First of all, one
10 recommendation, and I'm sure you've heard this from us before, is that all mechanical
11 systems and evacuation exits should be inspected on a regular basis and be completely
12 functional. And that is essential in the case of an evacuation. Two that evacuation plan
13 should cover all contingencies if possible. That especially includes a power failure. Now,
14 I used to work for a blind individual who would tell me that if a plane crashed and landed
15 safely in the dark, he'd get out before everyone else did. But the point is is that there are
16 all kinds of contingencies for evacuations and those need to be preplanned and
17 considered, given the various types of buildings and structures that we have in the
18 County. Thirdly, preplanning and standing contracts with housing such as hotels,
19 medical facilities, should be made available other than recreational centers and school
20 cafeterias for housing individuals in emergencies. Fourth, advance planning information
21 should be made available for individuals with pets so that they can coordinate with
22 animal control. And this is a special issue with me, because I had to walk up 12 flights of
23 stairs in the dark. I have lung disease to retrieve my pet 24 hours later. One neighbor's
24 cat was trapped for three weeks another neighbor's cat was trapped for 18 days. I kept
25 trying back and forth to coordinate with animal control who told me they did not have
26 pets. But I had a difficult time trying to establish the whereabouts of the neighbors who
27 owned them. And I do have to give District Commander Betsy Davis, who was my
28 former District Commander in Bethesda, credit, who'd been willing to assist us retrieve
29 pets but we could not locate the owners because we need legally their permission for
30 this to happen. Also, there needs to be an assessment of the housing needs of
31 individuals based on their functioning levels. Now, the reason we were able to
32 coordinate so well with each other is because the majority of the individuals in our
33 building are educated and skilled. We were able to create committees to supply food, to
34 obtain clothing, to coordinate healthcare and give us other services that we needed. But
35 my concern is that someone who is, for instance, a building of developmentally disabled
36 individuals or individuals in a nursing home, in strictly a nursing home, are going to have
37 a different type of evacuation necessity than we did. Additionally, apartment managers
38 should maintain a partnership with the police and emergency personnel. At the moment,
39 and this is my bug, is that emergency medical systems and police departments still do
40 not have emergency access into the Charter House. We have to admit them, and that's
41 a continual source of problem to us. And in my opinion, that might end up being the
42 liability. During the evacuation, we have had some multiple thefts and multiple
43 burglaries. And we had asked that the County provide their own volunteers to us
44 because some of the women who had experienced these burglaries did not want the



February 27, 2007

1 staff of Charter House to actually accompany them to their apartments. So I recommend
2 that -- this is another question I have. Is where does Homeland Security come in this
3 arena where a building is empty, but yet needs to be secured? Because as seniors,
4 people who worked all their lives for the belongings that they have and they should be
5 able to feel secure that everything they've worked for will be safeguarded during their
6 absence. So it is necessary to contact Homeland Security or some branch of the police
7 department or private security who are screened absolutely so that, or contact with the
8 County so that everyone is professionally screened and there is no need to worry in that
9 regard. And another question is, which levels of government actually, and I guess this is
10 your question too, need to be coordinated in an entire basis. I mean, we are just one
11 building, but how do you evacuate a County as compared to one building. And that I
12 think is the crux of this issue here. And last, but not least, coordinating crisis counseling
13 immediately. The day after the evacuation, I got in touch with Councilmember Ervin's
14 office and asked her to get in touch with crisis counseling because this is something we
15 would need while we were evacuated, we'd need on an ongoing basis. I have to say
16 that Councilmember Ervin stepped up to the plate, got us in touch with crisis counseling
17 who did a group counseling for us at the hotel. At the moment, through the senior --
18 group that is now continuing for us on a group and one on one basis through the
19 County. But that is absolutely essential. And I have to bring up this point, and forgive
20 me, we have neighbors who are so frightened now that they are actually carrying their
21 personal belongings with them. They're afraid that in case of another evacuation, they
22 won't have their essentials with them or they've been burglarized and they're afraid to
23 leave anything in their apartments. I will submit some photos to you. My main concern is
24 that if we evacuated tomorrow, we'd be in trouble.

25
26 Council President Praisner,
27 Thank you.

28
29 Victoria Price,
30 Thank you.

31
32 Council President Praisner,
33 I want to make clear before I turn to the other individuals who are here to comment. As I
34 said, this is an opportunity for us to learn what happened and to learn how the
35 government responded and to also learn from that experience what we need to do to
36 improve upon a similar situation, whether it's a fire or water damage, anything that has
37 to displace individuals from their homes in the aggregate sense. From an overall issue
38 of Homeland Security and the County issue, I want to separate that. Because that is
39 certainly a broad question that folks in the Washington Metropolitan area have globally.
40 A lot of incidents of Homeland Security are sheltering in place though, which has
41 another issue associated with it, which how do you get to the people -- how do you give
42 them information so they feel comfortable knowing what's going on and also there are
43 some individuals who need special accommodation when you're sheltering in place.
44 There also may be needs for major evacuations of the Washington Metropolitan area.



February 27, 2007

1 Should there be some -- those are very complicated issues that are not uniquely
2 Montgomery County issues and which folks in the Washington region talk about through
3 the Council of Government. I can understand that concern, but they are not uniquely
4 Charter House. We want to focus on Charter House and the lessons learned from it
5 today that I can tell you based on my personal experience working with the Federal
6 Department of Homeland Security and with the state on some issues. Those are issues
7 that folks are trying to work through and to triage, so to speak, to decide how you
8 respond and what you respond. Two other individuals from Charter House who were
9 going to comment, if you want to, now would be the appropriate time. Again, please
10 push the microphone in front of you so it's live and identify yourself. It's on.

11
12 Betty Holmes,

13 Hi. Good afternoon. My name is Betty Holmes. And I had -- we had about four main
14 items that we wanted to discuss or bring with you so you would be aware of the first
15 things first. The first one that I have is First Centrum Management for Homes for Silver
16 Springs L.L.C. have not personalized an evacuation plan to the residents, nor have they
17 implemented one in light of the recent evacuation of Charter House. We were informed
18 that the Fire Marshall had cited the Charter House for having a -- for not having a plan
19 in place. Neither the police department nor EMS have emergency access.

20
21 Council President Praisner,
22 We've heard that. And I've got it on my list.

23
24 Betty Holmes,

25 Thank you. We are requesting your assistance to ensure that all residents receive an
26 evacuation plan for the Charter House immediately for their safety and that all essential
27 personnel have access to the building. The next thing I will talk about is the Charter
28 House's full housing inspection. The Department of Housing was to schedule a 100%
29 inspection of all units and common areas to address compliments lodged by residents
30 for more than a year. As you can see in the attached letter from Mr. Joseph Giloley,
31 since Mr. Giloley and management refused to comply with said letter by continuing to
32 prolong the full inspection, management has created a defective tendency, by not
33 correcting code violations. Some of the problems are water leaks, which have created
34 excessive mold, rodents. You have to excuse me, this chair is low and I'm trying to
35 peek.

36
37 Council President Praisner,
38 I'm sorry about our chairs. But you're doing great. So don't worry about it. You're doing
39 fine.

40
41 Betty Holmes,

42 Rodents, improper, and no, a big no, ventilation because of -- because all the roof fans
43 do not work.



February 27, 2007

1 Council President Praisner,

2 Let me just stop you on that because, we're focused today on the lessons learned and
3 the after action kinds of issues associated with the evacuation situation. Both of you
4 have, and Mr. Cassidy as well, have provided materials to us that deal with County
5 funds and the management and the condition of the building. Let me just say, we will
6 refer that to the Planning, Housing and Economic Development Committee through the
7 housing questions and we will get some report and sense with the Department of
8 Housing Community Affairs on that. But that really, we won't be focusing on that today.
9 But I have the correspondence. Anita Willens (sp) is an old friend of mine from the days
10 when she was principal of Woodward High School. So she's communicated to me. I saw
11 her and talked with her. So I have the materials about the conditions of the building. And
12 we will follow up.

13
14 Betty Holmes,

15 Thank you very much. I certainly appreciate that.

16
17 Council President Praisner,

18 Sure. Anything else sir?

19
20 John Ricketts,

21 My name is John Ricketts. I'm the Recording Secretary of the Association. Madame
22 President and Councilmembers, number three is security and 24-hour front desk
23 services. The Charter House has always provided front desk service in the lobby with
24 security cameras for residents' safety. The lobby desk was manned by residents to
25 handle packages, guests and to assist in emergencies. A few months back First
26 Centrum Management ripped out the marble topped front desk and threw it in the trash
27 and removed the front desk service completely including all security cameras and
28 monitors. This was done over residents' protests. This also created a hardship for
29 several residents who worked the front desk seven days a week and who received rent
30 credits for the hours that they worked. Management took this valuable service away and
31 has created a hardship for all residents of the Charter House and particularly for the
32 residents who worked the desk. Many of the staffers were handicapped and were not
33 able to leave the building in order to work. We believe this action has led to a reduction
34 in services for which all residents continue to pay in their rents. The removal of the
35 desk, cameras and staffers has also resulted in an escalation of crime in the building,
36 the carving of inappropriate graffiti in the furniture, and a return of packages to the
37 shippers because the part-time security guards claimed legitimate residents did not live
38 here and that their apartments, in fact, did not exist. We are not looking for a reduction
39 in rents, but return of the lobby services.

40
41 Council President Praisner,

42 Again, Mr. Ricketts, those issues relate to conditions in the building outside of the
43 evacuation and the incident with the flooding, so we will have follow up on them, but
44 that's not the focus for today's conversation.



February 27, 2007

1
2 John Ricketts,
3 I understand that. May I have Mr. Hamilton speak briefly on the fire situation?

4
5 Council President Praisner,
6 Certainly, if he'd like to. But very briefly only as it relates to the evacuation issues, which
7 is the focus of today's conversation. Greg.

8
9 Gregory Hamilton,
10 Yeah, thank the Council for the opportunity. My name is Gregory Hamilton, I'm also one
11 of the Board members. And I'm bringing to your attention something that we did learn
12 during the evacuation of the Charter House. And it's not really a problem with any one
13 particular group. But I think when you're looking at the policy decisions for evacuations,
14 let me share one important thing that I think is a time bomb waiting to happen. In my
15 previous experience, I used to serve for five years on the Takoma Park Volunteer Fire
16 Department as part of my role as a City Councilmember in Takoma Park. The leases
17 state that tenants are required to replace batteries in smoke detectors. I think you have
18 to look at that policy when you have a building of disabled, elderly residents or seniors
19 because my concern is as an example, Betty, other residents, I have a 95-year-old lady
20 that cannot change the batteries in the smoke detectors. One of the things you need to
21 look at and I think is very, very important here, is the fact that we all have some very
22 vulnerable issues out here. Because my concern is whether maintenance checks the
23 smoke detectors because we have a handicap or ADA issue here. But my concern is
24 making sure the smoke detectors are properly working County wide. As you know we've
25 had several fires in the Silver Spring area, my concern is that lease requirements and
26 90% of the lease in this particular property is requiring that these residents who are
27 handicapped, disabled to change smoke detectors. My concern is for the County to look
28 at a policy on how to address that issue because I think that is very important.

29
30 Council President Praisner,
31 Thank you very much. Thank you all very much for highlighting the issues.

32
33 Victoria Price,
34 Thank you.

35
36 Council President Praisner,
37 And as I said, we will follow up. There may be Councilmember questions and I don't
38 want to dismiss you all just in case there may be a question that's directed to you as
39 follow-up. Let me say again, what I've heard are questions about the general issues of
40 evacuation plans, are they specific to the buildings, how meaningful are they, how
41 frequently they are, you know, you go through as far as the test and review, very
42 interesting issue about batteries now raised. But the material provided and what is the
43 interaction with the government as far as those issues are concerned. We've heard
44 questions about security in the building and access to the building, questions with fire



February 27, 2007

1 and police that I think we need overall clarification about those issues as follow-up.
2 Then you have specific questions about the conditions of the building and what might be
3 the funds provided for improvements to the building and if they were actually done, et
4 cetera. Those are issues that we will follow up within the PHED Committee in
5 conversation and certainly the issue of what resources and services are provided,
6 whether they're crisis counseling or whatever support. But the overall question that I
7 think we would like to have a better sense of overall in the future, is that the County has
8 a consistent policy of how it deals and who takes the lead as an agency, a point of
9 contact and coordination, and what requirements we have for all buildings, multiple
10 family buildings so that we know they have evacuation policies and procedures in place
11 that are specific to that building. And how we operate and function as a government with
12 multiple agencies, so that we can come together in a coordinated way. Mr. Leventhal.

13
14 Councilmember Leventhal,

15 Well, thank you to the Council President. And that was a very good summary of the
16 issues that we need to be looking at. I'm very appreciative that you've offered to
17 schedule time in the PHED Committee, to follow up not only on the issues around the
18 evacuation which you've summarized very well.

19
20 Council President Praisner,

21 I think other committees may -- some of these other issues like public safety. I just
22 wanted to acknowledge we're not talking about the funds and the condition in the
23 building.

24
25 Councilmember Leventhal,
26 Right.

27
28 Council President Praisner,

29 But that we will follow up with Department of Housing Community Affairs on that issue.

30
31 Councilmember Leventhal,

32 I think that's a very generous offer on your part. I think it is valuable where we learn that
33 there's a significant collection of tenant complaints, even if it is location specific, that it
34 get elevated to the level of a committee discussion. And so that's not what we're doing
35 today but I think it's very, very valuable that as chair of the PHED Committee, you've
36 offered to do that and look forward to keeping track of that although I'm not a member of
37 the PHED Committee.

38
39 Council President Praisner,

40 George, my view, and this isn't an invitation for everybody to bring individual building
41 complaints. This is an issued tied to the fact that County funds were provided and there
42 was a significant County role and also from a generic perspective, what lessons can we
43 learn and how should we -- what expectations should we have as far as communication,



February 27, 2007

1 point of contact, et cetera. I just want to make sure just in case I don't, tomorrow, get a
2 request from seven different buildings to request a meeting with the PHED Committee.

3
4 Councilmember Leventhal,
5 Right. You have to evaluate that.

6
7 Council President Praisner,
8 Right.

9
10 Councilmember Leventhal,
11 And I think in this case as you say, we acquired the building. We worked to acquire the
12 building. Obviously there are some significant security and comfort and quality of life
13 concerns. And so this is an unusual situation and I appreciate your offer to follow up.
14 And let me congratulate Councilmember Ervin and her office who did a great deal of
15 work on this. As Ms. Price knows, my office also was in contact with the residents at
16 Charter House and my office and Councilmember Ervin's office were in very close
17 contact. This was just after we had all been sworn in. We had a brand new County
18 Executive, we had several new members of the County Council. It was my judgment
19 that although my office played a supportive and information sharing role that since
20 Councilmember Ervin is the Councilwoman from Silver Spring, that she should take the
21 lead and she did a great job. My office was in close contact there. And so although the
22 Councilwoman from Silver Spring will continue to play that role, I want to make myself
23 available and let residents at Charter House know, as I'm sure all my colleagues feel,
24 that we are very, very sensitive to what you've been through. We were all very much
25 apprised -- certainly I and my office were very much apprised of what was going on
26 while it was going on. In general, my perception is, is the County Government handled
27 this relatively well. I know that Mr. Leggett was very visible and present and monitoring
28 the situation very closely. I know that Mr. Reilly in particular deserves our thanks for
29 keeping a close eye day to day along with Ms. Ervin and her staff, Ben Stutz in
30 particular. I know that the Fire and Rescue Department was in frequent contact with the
31 County Executive's office. I may differ a bit with my friends and colleagues here
32 including the Council President on how I would see the role of our Homeland Security
33 Department. I voted to create a Homeland Security Department. And I'm not sure that
34 was the right decision now. Issues have arisen since we created that department. And
35 this is another one, where I frankly have to question whether it is in fact a fully
36 functioning department of County Government. And I heard what you said, Scott, and I
37 heard what the Council President said and I understand that there are some judgments
38 made about tiering and prioritizing and triage, but I do have to ask, and we don't need to
39 respond now, but I would like to understand better in the future, is the Homeland
40 Security Department purely involved in speculation and hypothesis, what if the big one
41 hits? Or is Homeland Security involved at a day-to-day level when we do indeed have a
42 major evacuation and issues with pets and, I mean things that we heard about in
43 Hurricane Katrina, are there not lessons learned from what was a pretty large scale, in
44 Montgomery County terms, disaster for the residents? Several dozen residents forced



February 27, 2007

1 out of their homes for multiple weeks, unable to get access to medicine and food and all
2 the rest of it. We don't have situations like that in Montgomery County thank goodness,
3 very often. And it seemed to me at the time, and I have the opportunity to raise it today,
4 this was a matter of Homeland Security. And certainly there are lessons to be learned
5 from this real life example that would be applicable if god forbid, and we hope it never
6 happens, something terrible really happens, something very, very large scale, which
7 may or may not happen, let us hope it never does. So, it does, at a minimum, I hope,
8 Scott, that you are in communication with our Homeland Security Department because
9 this was an on the ground example of the need for evacuation, the need for food and
10 comfort and medical care and long term housing and a lot of things that would be highly
11 relevant if we had larger scale event. So I wanted to make that point. The other point I
12 wanted to make was so – and I have to say I'm sorry Gordon Aoyagi is not here for this
13 briefing and I have the highest regard for Mr. Aoyagi.

14
15 Unidentified

16 Mr. Aoyagi is at a regional conference today and I'm sorry he is not here.

17
18 Councilmember Leventhal,

19 Okay. Well I have a high regard for him. And I'm sure you'll relay the lessons learned to
20 that department. I see that Joe Giloley's here, I mean clearly, and I appreciate the point
21 that we're here to talk about the fire, the flood, and the evacuation, and it sounds like a
22 list of biblical plagues.

23
24 Unidentified

25 It does.

26
27 Council President Praisner,

28 Locusts have not arrived.

29
30 Councilmember Leventhal,

31 (laughter) We are not here to talk about the very valid and multiple concerns of the
32 tenants regarding their ongoing safety, security, comfort, quality of life. But DHCA really
33 does need to be the tenants' best friend. And where we find that a situation occurs
34 where we have months and months and months and my office has heard them of, you
35 know, basically unanswered and accumulating concerns, we've got to have DHCA in
36 our new culture of customer response with the new Director, with the new County
37 Executive, with all of us revitalized and revived in our desire to be responsive to the
38 people we represent. We always have been but we're putting a new emphasis on it. I've
39 heard it from Mr. Leggett. We've got to have DHCA address these Charter House
40 issues at the highest level and in the promptest and most serious way.

41
42 Council President Praisner,

43 Let me be clear, George. Because obviously I was misunderstood. I wasn't saying the
44 Department of Homeland Security should not play the point of contact for coordination



February 27, 2007

1 on the situation. I was just responding from a standpoint of evacuation of the region and
2 what would happen et cetera, that from Homeland Security perspective those are very
3 complicated issues. But the question of which department and how the Department of
4 Homeland Security plays a role in these issues, although the situation was not as
5 lengthy, the issue of evacuation of folks when the dam was in a vulnerable case of
6 potentially flooding many homes within the last two years, had similar conditions of how
7 fast do we act, what do we tell people? These are individual homes, and what
8 happened with pets and how quickly was the Red Cross stood up from a standpoint of
9 the evacuation centers? As I recall, the first center we went to was inadequate because
10 the school system wasn't ready for us to use that building. So every time you have a
11 crisis, there's a lesson learned. And you can always improve upon what you do. There
12 are unique situations associated with the population you're evacuating or trying to, that I
13 think you bring in a multi-build -- in a multi-person, ,multi-family building with elevators
14 and those issues that become more critical that we need to make sure, as you say, an
15 evacuation plan is specific. They can be geared to towards a neighborhood, but they
16 also need to be specific when you're talking about a building with elevators and those
17 issues associated with them. And the resident issues. Councilmember Andrews?

18
19 Councilmember Andrews,

20 Thank you. Thank you Madame President for scheduling this. And thank you
21 Councilmember Ervin and Councilmember Leventhal for the important role you played
22 in this. I'm sorry that this happened to you all. It's certainly been a difficult few months
23 for you. And it's good that you're here to help us figure out how we can best respond
24 and prepare, as well, for these types of things if they happen again. Hopefully we'll have
25 very few cases. But there clearly are some specific things we can do. In terms of which
26 department handles this, my main concern is that we have a specific department that
27 does it and does it well. And it appears that Fire and Rescue did a good job in
28 responding and certainly they were -- certainly it was appropriate to have them very
29 involved in this given the threat of fire and flooding. And I think it is important for us to
30 have a discussion about the role of our Homeland Security Department in dealing with
31 responses to emergencies and disasters. But I'm glad that the department that was the
32 point department in terms of public safety responded very well by all accounts I've
33 heard. I like the suggestion very much Reggie that it's unreasonable to expect tenants
34 who are disabled or probably above a certain age to be responsible for replacing the
35 batteries in smoke detectors and it seems to me a very good point. One that should be
36 obvious but isn't obvious because it's already there. So, it's the sort of thing that needs
37 to be adjusted and changed. The fire service is in the process of doing a very
38 comprehensive inspection program over the next three years and there will be a
39 continuing program of inspecting on a regular basis all multi-family buildings for fire
40 code violations in order to best protect residents because high-rise, multi-family
41 residences are the most at risk for a catastrophic fire or other emergency. And we need
42 to do everything possible to reduce the chance of having a fire get out of control, much
43 less begin. But certainly it needs to be gotten under control as soon as possible in that
44 kind of environment. So they are implementing really an unprecedented inspection fee-



February 27, 2007

1 based program that is underway, that will be fully rolled out over the next couple of
2 years that is as comprehensive as any in the country. And it's designed to minimize the
3 risk of a catastrophic fire in our community. So, you're suggestion is a very specific one
4 that makes great sense. So when the Public Safety Committee takes this up, which I
5 chair, we will consider that. We'll go into more detail on the emergency response and
6 invite you to send any suggestions, recommendations that you haven't had a chance to
7 make at this point or think of later, send them to the County Council, send them to me or
8 to the Council President Praisner and we will consider them.

9
10 Council President Praisner,

11 Thank you. We have few more Councilmembers who have some comments or
12 questions. Councilmember Trachtenberg.

13
14 Councilmember Trachtenberg,

15 Well again I want to start my remarks by thanking both our Council President for putting
16 this on the agenda and I know Councilmember Ervin for our hard effort on this. And, you
17 know, clearly this is a lesson learned. And I believe from the many conversations that
18 I've had with folks, here, across the street, and within the departments that there will be
19 a commitment to providing that evacuation plan as soon as it can get identified, it will be
20 delivered. You can count on that. When I got to the Council building, one of the issues
21 that I was interested in pursuing around the senior community was regulatory oversight
22 issues, health issues. And in the weeks that I've been here, we've actually had a
23 number of conversations with the senior community about programs and housing and
24 indeed the issue of safety is very much an issue that needs to be addressed. Again, you
25 know, it's overdue and what I would suggest to and ask of Councilmember Leventhal is
26 perhaps in the future during an HHS worksession, that we actually discuss within the
27 evacuation plan model the specific components that relate to Health and Human
28 Services, a real comprehensive plan for coordination, what I call case management,
29 and clearly the availability of an array of services including counseling services that that
30 very much needs to be part of whatever evacuation plan we actually put together. So I
31 just want to under score my commitment to making that happen.

32
33 Council President Praisner,

34 Councilmember Leventhal.

35
36 Councilmember Leventhal,

37 I think that's an excellent suggestion Councilmember Trachtenberg. And this gives me
38 the to remind the executive branch through Scott Reilly that a couple of years back we
39 had the executive branch compile for us a list of facilities with vulnerable residents that
40 we would have, you know, in the event of a County wide emergency, including a
41 weather emergency, I mean not everything is 9/11, thank god, that we would know
42 rapidly where are facilities like Charter House, where there is a very large population of
43 people who need special attention and help. And I hope that that document which was
44 prepared at the County Council's request, I hope is a document that is quickly



February 27, 2007

1 accessible and in use when we need it. And certainly we can in the HHS Committee get
2 into greater depth about the kinds of special needs that various vulnerable populations,
3 elderly, disabled, special needs populations have.

4
5 Council President Praisner,
6 Right. And could we get a copy of that list, actually? Would that be a possibility?

7
8 Scott Reilly,
9 We maintain that at the emergency operations center, we'll be happy to. Yes.

10
11 Council President Praisner,
12 My office can get a copy, good, excellent.

13
14 Scott Reilly,
15 It is kept up to date.

16
17 Council President Praisner,
18 I assume it's on line, so to speak, it's a computerized system, not just a piece of paper.

19
20 Scott Reilly,
21 I believe so.

22
23 Unidentified
24 Yeah, I think it is.

25
26 Council President Praisner,
27 Councilmember Elrich.

28
29 Councilmember Elrich,
30 I want to clarify.

31
32 Council President Praisner,
33 Mic.

34
35 Councilmember Elrich,
36 Sorry, I want to clarify a couple of things . One is, that when they come before the
37 PHED Committee, the assumption is, I'm assuming that they'll come prepared to
38 answer these questions, not that we'll give them to them for them to back on.

39
40 Council President Praisner
41 Correct, correct, and any questions Councilmembers have for that discussion should be
42 provided to Linda McMillan so that we can try to get them to the department, it would be
43 fair for the department to have some time to comment.



February 27, 2007

1 Councilmember Elrich

2 And more generally on the issue of operability of smoke detectors. I had thought that
3 that a was landlord responsibility and not a tenant responsibility because the idea if a
4 tenant forgets to put a battery in, they're not jeopardizing their own unit, they wind up
5 jeopardizing the entire building and it doesn't become then you suffer because of a lack
6 of personal responsibility, it becomes the entire building can suffer. So if the code does
7 not now reflect that as something that we inspect for and require landlords to do, I think
8 it's something that we ought to inspect for and require landlords to do. It should not be
9 left to tenants. There's too much at risk in this. And the other thing is that it just struck
10 me, this idea that somehow we're in a different culture now where the notion of
11 enforcing laws regarding public health and safety is important. This is not something
12 that should go in and out of fashion. It shouldn't be the trademark of one administration
13 and not the trademark of other administration. These things seem to me to be
14 nonnegotiable. They ought to be the expectation of what anybody should get from
15 government regardless of who sits in any chair in the government. It's always bothers
16 me George when people say things like we're in this new culture of enforcing a law. It's
17 like I thought that's what this was about.

18
19 Councilmember Leventhal,

20 Last word. The event occurred during this administration. I was trying to be as polite as
21 possible. (laughter) I think a lot of concerns, let me just clarify. I think these tenants
22 have been raising a lot of concerns and my office has been raising a lot of concerns and
23 let's just call it like it is, with DHCA for some period of time. And like you, I think we all
24 look forward to a thorough and full response for DHCA regardless of who the Director is
25 or who the County Executive is.

26
27 Council President Praisner,

28 The last word for this discussion, we'll go back where we started and thank again very
29 much Councilmember Ervin for bringing this issue to our attention.

30
31 Councilmember Ervin,

32 Thank you.

33
34 Council President Praisner,

35 Valerie.

36
37 Councilmember Ervin,

38 Thank you. I want to go back to where we started at the beginning too. And I want to
39 talk about immediate response in terms of the -- what kind of decisions could have been
40 made during the initial evacuation to decrease damage to the building and prevent long
41 term relocation. So I want to start, I have two points. One, in the executive response,
42 the flooding began at 6:30 but WSSC didn't get there until 1:30? Why was there a gap in
43 time? There was a significant gap in time.



February 27, 2007

1 Scott Reilly,
2 WSSC actually did respond earlier than that. And in fact it provided me with some
3 incorrect information for the initial response. WSSC was on site by 7:50 a.m. And at that
4 time had determined that they could not shut off the water in the building. At 9:00 a.m.
5 they began digging in the street to locate a shut off valve which they did not locate and
6 shut off until 1:10: p.m.

7
8 Councilmember Ervin,
9 Okay.

10
11 Council President Praisner,
12 Valerie, I bet that piece of that issue is old infrastructure. That if General Manager
13 Brunhart were here, he would probably say that we don't have data on some of the
14 underground infrastructure. And if it were a telephone system we had to cut off, the
15 telephone company won't tell us where their lines are.

16
17 Councilmember Ervin,
18 Okay. Thank you. The second question has to do with Fire and Rescue. They decided
19 not to use the pumper fearing that the pumper might break, is this correct? In the future
20 is this a risk worth taking? Especially if it prevents residents from a 45-day evacuation?
21 Is this correct information.

22
23 Scott Reilly,
24 It's partial information. First of all, Pepco didn't want anybody putting pumping
25 equipment into the electrified water in the basement. They just didn't want anybody
26 pumping it. Secondly, we convinced Pepco to leave the power on because we wanted
27 to run the elevator to be able to get the residents out. Leaving the power on did cause
28 additional damage to the electrical equipment. We finally did have management very
29 quickly brought their own pumps in and began to pump the water out and that began
30 early in the afternoon. So, there was a good response there, unfortunately the amount
31 of time that it took to get the water turned off led to the complete flooding of the
32 basement. And while we needed the power for electrical lights in the building and the
33 elevator, it unfortunately contributed to the damage done to the electrical equipment.

34
35 Councilmember Ervin,
36 Okay.

37
38 Scott Reilly,
39 Fire and Rescue did express some concerns about the equipment and being able to
40 pump water out of an unknown quality through their pumping apparatus, but I don't
41 believe that any delay in that would have made a difference in this case because of the
42 delays getting the water turned off to the building.

43
44 Councilmember Ervin,



February 27, 2007

1 I want to talk about coordination. And I know that through Ben Stutz who spent a lot of
2 time at Charter House and at various hotels in Silver Spring dealing with residents, we
3 were always very surprised that there was such a lack of coordination between all the
4 County agencies. And at the County, who is the point person for information collection
5 and dissemination in a similar event like this?

6
7 Scott Reilly,

8 In a similar event that was a disaster, there would have been an emergency operations
9 center activation. The Emergency Management Group would have coordinated that
10 through, under the direction of our Department of Homeland Security. This was not
11 identified as a disaster. This was a displacement of a private facility. And I think
12 because of that, we ended up with difficulty in communication should the lead be with
13 the owner and operator of the building, we believed so at first and then when the extent
14 of the services that would be needed and the extent of the time that people would be
15 displaced, the County realized that it was going to have to be a primary service provider
16 to the residents. I think County departments did coordinate well together and did
17 communicate well together. Where we failed was not communicating well with
18 ownership and management and with the residents and that's where we've really
19 identified a need to improve in a displacement like this of a privately owned building. So
20 that, we will need to identify a single point of contact that the management and County
21 need to work carefully together to get a common message out there, which we really
22 didn't do until December 19th. And then starting on December 19th, I think it was very
23 well coordinated.

24
25 Councilmember Ervin,

26 I have a hard time understanding what's an emergency, because for the residents of
27 Charter House who were displaced for what, 2 months, 45 days, I think that seemed to
28 be an emergency for them. But I look forward to more conversations in PHED
29 Committee and HHS and Public Safety if they arise there. But I want to talk about future
30 policy now. What are some of the major findings and recommendations from the
31 upcoming after action report in terms of, where do we think we're going? I have a star
32 next to it. Something I wrote here. What's the County's obligation to support evacuees in
33 similar situations? Do we believe this situation was unique due to the County's prior
34 financial involvement with the Charter House property because there are many, many
35 senior buildings throughout the County, the infrastructures are old, the buildings are in
36 not great shape, anything could happen at any time. So what is the County's obligation
37 in the future?

38
39 Scott Reilly,

40 The County's obligation, as you mentioned, at Charter House was different than it may
41 be at any other type of building or elderly building in the County. We are a lender on the
42 building. We have a 10 million-dollar loan there. So we are interested in the financial
43 health of it. We also realize that by the County's involvement four years ago in finding a
44 purchaser that we had a vested interest in the protection of the residents, not just from



February 27, 2007

1 four years ago protecting them from condominium conversions, but currently in
2 providing services well above and beyond anything that we've provided to displaced
3 persons in the past, residents of apartments that have been displaced by fire or flooding
4 or damage of any type. I think the County did go well above and beyond anything that
5 would certainly be legally required. But morally and ethically we believe that we had an
6 obligation to the residents that we'd assisted in the past and wanted to continue to
7 provide that support. Homes for America also went well beyond anything it is required to
8 do legally and operationally to provide total rent abatement for longer than the period of
9 displacement, providing \$1,200 financial support, the County also provided an additional
10 \$500 of financial support to needy households during the displacement. So I think there
11 was a quite remarkable response above and beyond what otherwise might be called for.
12 But in view of the frail and elderly population, certainly an appropriate response.
13

14 Councilmember Ervin,
15 What's the relationship that HOC has had to this particular incident? Because it seems
16 to me -- I know there are some people here from HOC, I wouldn't mind having one of
17 you come to the table because I have a question I would like to directly ask HOC on
18 what type of elderly housing it has in its portfolio and what are your evacuation plans for
19 those types of housing units? I think that this is really at the crux of the matter here. This
20 already happened, but what are we going to do as we move into the future. Who's
21 coming up? Before they get here, did you have a question?
22

23 Gregory Hamilton,
24 I just need a point of clarification from the Council, because it's important that we try to
25 do this for the right reasons and stay on the right page. Every time we talk about this
26 particular building, we say it's Homes of America, that is a nonprofit organization, but
27 this loan is signed by Homes for Silver Spring, which is a Limited Liability Corporation.
28

29 Council President Praisner,
30 That may be, but again, that's not the issue for right now. We will follow up with that.
31

32 Gregory Hamilton,
33 I just want to make sure that we're using the right thing for the record, that's all.
34

35 Council President Praisner,
36 Well, there are in -- as you know from your experience in Takoma Park and elsewhere,
37 there are parent companies and there are Limited Liability Corporations that are created
38 for individual projects.
39

40 Gregory Hamilton,
41 Yes.
42

43 Council President Praisner,
44 Developers do that every day.



February 27, 2007

1
2 Gregory Hamilton,
3 I just want to make sure we're using the right name.

4
5 Council President Praisner,
6 Well, we're talking about the parent organization and this individual property.

7
8 Gregory Hamilton,
9 Thank you.

10
11 Council President Praisner,
12 Valerie, I'm sorry.

13
14 Councilmember Ervin,
15 I have two people from HOC that need to come up to the table. So can we -- we need a
16 couple of chairs, thanks.

17
18 Scott Reilly,
19 Madame Councilmember, on HOC's role, my understanding is that there are some
20 residents of Charter House that occupy using certificates or vouchers from HOC, that's
21 the soul role of HOC that I'm aware of at Charter House.

22
23 Council President Praisner,
24 Valerie we have about five-minutes left.

25
26 Councilmember Ervin,
27 Okay.

28
29 Council President Praisner,
30 Because we're about 15 minutes late from our closed session action. We need to.

31
32 Councilmember Ervin,
33 Can you address.

34
35 Council President Praisner,
36 We have people waiting for us downstairs.

37
38 Councilmember Ervin,
39 Can you tell us who you are?

40
41 Les Kaplan,
42 Sure. Hi, I'm.

43
44 Council President Praisner,



February 27, 2007

1 You need to push the mic, the button for your mic.

2
3 Les Kaplan,

4 Good afternoon, I'm Les Kaplan, Rescue Services Supervisor Housing Opportunities
5 Commission. This is Tonya Clark who is the Regional Property Manager responsible for
6 the elderly buildings. As far as Charter House is concerned, we have a number of
7 residents who live there who are on housing choice vouchers. We followed up with
8 these folks through our disabilities staff. And they helped to coordinate services with the
9 County to make sure that we were aware of what was going on. And I'm well aware of
10 the one case with the pet which was lost for three weeks, that was one of our folks.

11
12 Councilmember Ervin,

13 And you have evacuation plans for your buildings.

14
15 Les Kaplan,

16 We have no specific evacuation plans, although we have much more refined plans than
17 what we've heard about Charter House. We have a database that is kept on site and
18 also off site that lists all of the residents who live in the buildings, including their physical
19 conditions, other problems they may have including their pets. We do have access to
20 buildings for fire and police. We do have contingency plans which we worked out with
21 the Department of Police and also fire safety. We have had incidents, especially with
22 Hurricane Isabelle in Silver Spring and Holly Hall in which we worked with Fire Rescue
23 and Police.

24
25 Council President Praisner,

26 Excuse me Val, I.

27
28 Councilmember Ervin,

29 Are we out of time?

30
31 Council President Praisner,

32 I appreciate the sharing of the information from an HOC facility perspective you're
33 answering a question. But we'll have significant follow up. If you can just be very brief in
34 your answer to the Councilmember's question.

35
36 Councilmember Ervin,

37 I think you answered the question. What I was trying to get at was that HOC has a lot of
38 experience and is doing a really good job in this area. And we'd like to, you know, keep
39 talking through the PHED Committee and HHS and Public Safety. This is a really good
40 starting point and I really appreciate that you came. I saw that you were here so I
41 thought I would use this as an opportunity and thank you very much.

42
43 Scott Reilly,



February 27, 2007

1 Madame Councilmember, let me clarify, that HOC does have the, has issued the tax
2 exempt financing on Charter House as well and I was just informed of that.

3
4 Council President Praisner,
5 Very quick, Marc, because we're way over time.

6
7 Councilmember Elrich,
8 I don't want an answer today, but I think your answer to the question about what made
9 Charter House special worried me, because that means everything else isn't special. I
10 guess I would kind of like to know what we would do for a large building where the
11 people weren't special where we don't have a relationship and we haven't done
12 anything before, what would the County do and I don't expect, I think it's something to
13 think about because most people don't have this special relationship.

14
15 Scott Reilly,
16 Madame President, I could answer questions for another 45 minutes here but. No, I
17 know you can, well, we can ask questions for the next 45 days.

18
19 Council President Praisner,
20 But unfortunately we have another meeting.

21
22 Scott Reilly,
23 Understood.

24
25 Council President Praisner,
26 And folks who have been waiting for us for about 20 minutes. So I want to thank you all
27 very much as I indicated in responding to Councilmember Ervin's request. I think this is
28 an issue in its generic sense as well as in its specifics, that gives us not only lessons
29 learned for the executive branch, departments and agencies, but also for the Council as
30 we approach a myriad of issues with buildings, whether it's public safety, Fire and
31 Rescue or Human Service support or just coordination. And when we talk about
32 taxpayer dollars or other dollars, there are obviously other questions associated with
33 that. Thank you all very much. I need a motion. Councilmember Berliner.

34
35 Councilmember Berliner,
36 I move that we go into closed session, if that's all right.

37
38 Council President Praisner,
39 You need to cite the citation and the. Did you lose it?

40
41 Councilmember Berliner,
42 (laughter) What do I need? Okay. I move that we go into closed session for the
43 purpose of consulting.



February 27, 2007

1 Council President Praisner,
2 I'm sorry, ladies and gentlemen. But we're still in session, so if you could please leave
3 quietly, we need to hear what Councilmember Berliner is saying.
4

5 Councilmember Berliner,
6 I propose that we move into closed session for the purpose of consulting with Council to
7 obtain legal advice regarding pending or potential litigation pursuant to Maryland Codes,
8 State Government Article 10-508A7 and 8 Topic is Appeals from Board of Appeals.
9

10 Councilmember Leventhal,
11 Second the motion to go into closed session.
12

13 Council President Praisner,
14 Okay. Moved by Councilmember Berliner. Seconded by Councilmember Leventhal. All
15 in favor of the motion? That is unanimous among those present. Thank you all very
16 much. We are adjourned here.
17